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Human resources management

Detailed proposals for streamlining United Nations contractual arrangements: a way forward

Report of the Secretary-General

Summary

The present report presents a summary of the Secretary-General's proposals for the streamlining of United Nations contractual arrangements and the harmonization of conditions of service, including for United Nations field operations, as well as additional information, in order to facilitate the review of this issue by the General Assembly during the main part of its sixty-third session.

* A/63/150 and Corr.1.

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I. Background

1. The Secretary-General was mandated by heads of State at the 2005 World Summit to review human resources policies, regulations and rules to ensure that they respond to the needs of the Organization and to make proposals on the conditions necessary for the Secretary-General to carry out his managerial responsibilities (resolution 60/1, paras. 162 and 163).

2. In this context, the Secretary-General proposed a new human resources management framework in his report entitled "Investing in people" (A/61/255 and Add.1 and Add.1/Corr.1) and subsequent reports to the General Assembly at its sixty-first and sixty-second sessions detailing his proposals on streamlining United Nations contractual arrangements (A/61/857 and A/62/274), harmonization of conditions of service (A/61/861) and civilian career peacekeepers (A/61/850).

3. The present report summarizes the Secretary-General's proposals for the streamlining of United Nations contractual arrangements and the harmonization of conditions of service, taking into account the contractual framework of the United Nations common system adopted by the International Civil Service Commission (A/60/30 and Corr.1, annex IV). The Secretary-General's proposals will considerably strengthen the ability of the Organization to respond to its evolving and increasingly complex operational needs, while promoting equality of treatment, recognizing contributions through service in difficult duty stations and providing increased job security for Secretariat staff across duty stations.

4. The Secretary-General's proposals include the establishment of one set of staff rules governing the terms of employment for all United Nations Secretariat staff and provide for three types of appointments: temporary, fixed-term and continuing.

5. Formal consultations between the staff and the management of the United Nations on the Secretary-General's proposals were held during the last three sessions of the Staff-Management Coordination Committee. In June 2008, the Staff-Management Coordination Committee reaffirmed its support for the Secretary-General's proposals for streamlining contractual arrangements.

6. The separately administered funds and programmes would continue to have flexibility in the implementation of the new contractual arrangements in respect of their own staff, taking into account their respective operational needs.

II. Summary of the proposals

7. Under the current system, the United Nations Secretariat operates with several types of appointments under three series of Staff Rules, namely, the 100, 200 and 300 series, resulting in different conditions of service among staff performing the same functions, often side by side. There are probationary, fixed-term, indefinite and permanent appointments under the 100 series; short-term, intermediate and long-term appointments under the 200 series; and short-term appointments and appointments of limited duration under the 300 series. The General Assembly stressed, in its resolution 61/244, the need for rationalization of the current system, which lacks transparency and is overly cumbersome to administer and inconsistent with the International Civil Service Commission's framework for contractual arrangements.

8. Under the proposed system, a single series of staff rules would provide for one United Nations staff contract, encompassing three types of appointments:

(a) A temporary appointment, which would cover up to a maximum period of one year (or up to two years to meet surge needs in the field), for staff appointed to meet seasonal or peak workloads and specific short-term requirements;

(b) A fixed-term appointment, which could cover up to a period of five years;

(c) A continuing appointment, which would be open-ended.

9. Should the General Assembly approve the Secretary-General's proposals, permanent appointments would be discontinued as from 1 July 2009. Any change of contractual framework would not, however, affect staff who currently hold permanent appointments or staff who would have acquired rights under existing rules to be considered for permanent appointments by the time the change became effective.

10. This simplified contractual framework would address the issues raised by the General Assembly by providing clarity, transparency and fairness for all concerned and help to better attract and retain skilled, experienced and qualified civilian staff for all parts of the Secretariat, including in the field. The new single set of rules would be more user-friendly for staff at large, would facilitate mobility and would be more efficient to administer, in particular in the context of the development and implementation of the upcoming enterprise resource planning system.

III. Main issues

Temporary appointments

11. The Secretary-General proposes that temporary appointments be used to appoint staff for seasonal or peak workloads and specific short-term requirements, for up to one year. Temporary appointments could be renewed for up to one additional year in the field only when warranted by operational needs. This proposal is consistent with the International Civil Service Commission's framework. The Advisory Committee on Administrative and Budgetary Questions recommended its approval. Specific circumstances that may warrant an extension in the field of a temporary appointment beyond one year, but not longer than a total of two years, would be surge requirements and operational needs related to peacekeeping operations, special political missions, humanitarian operations and emergency assistance as well as special reviews, assessments and investigations with finite mandates.

Fixed-term appointments

12. The Secretary-General proposes that fixed-term appointments be granted for an initial period of one year or more; such appointments could be renewed for up to five years. Staff entering the Organization would be subject to a probationary period during their first year of service.

13. Taking into account the concerns expressed by the International Civil Service Commission during its sixty-fourth session (A/61/30/Add.1, paras. 5-7) and by staff during the twenty-eighth session of the Staff-Management Coordination Committee

on the limitations and extension of fixed-term appointments beyond five years, the Secretary-General also proposes that:

(a) Appointments of international staff serving in United Nations peacekeeping operations would no longer carry a limitation of service to a specific mission;

(b) International staff in United Nations peacekeeping operations who are not part of the proposed 2,500 civilian career peacekeepers and who demonstrate the highest standards of efficiency, competence and integrity should normally be granted extensions of fixed-term appointments of up to two years at a time that would not be limited to service at any particular mission in order to meet the identified operational requirements of United Nations peace operations. Such staff could remain on fixed-term appointments as long as their services were needed;

(c) Staff other than those in peacekeeping operations could hold fixed-term appointments for up to five years. Extensions of fixed-term appointments beyond five years could be permitted not to exceed one year, if in the interests of the Organization and the staff member;

(d) Funds and programmes would have the flexibility to extend fixed-term appointments beyond five years in accordance with their operational mandates.

14. The Advisory Committee on Administrative and Budgetary Questions recommended the approval of those proposals in its report on human resources management (A/62/7/Add.14, para. 9).

15. Regarding the issue of an end-of-service grant for staff holding fixed-term appointments, the International Civil Service Commission began discussions in 2007 on the theme "modernizing and simplifying allowances: separation payments" in the context of its consideration of conditions of service applicable to both categories of staff and review of the pay and benefits system. The Commission will continue to discuss this issue in 2009. The Staff-Management Coordination Committee reaffirmed its support for the proposal for an end-of-service grant and requested the Secretary-General to request the General Assembly and the International Civil Service Commission to give serious and immediate consideration to this matter.

Continuing appointments

Eligibility for continuing appointments

16. The Secretary-General proposes that staff with five years of continuous service in the Organization would be eligible for consideration for a continuing appointment, which would be granted if there were a continuing need for the services of the staff member in the same department or elsewhere in the Organization and if the staff member had demonstrated the highest standards of efficiency, competence and integrity, as documented by his or her performance evaluations.

17. Staff who currently hold appointments limited to service in a particular office or staff who work in projects or entities with finite mandates would not be excluded from consideration for continuing appointments and could be granted a continuing appointment, which would be without limitation, provided there is a continuing need for the services of the staff member in the Organization. The Advisory Committee

on Administrative and Budgetary Questions supported that proposal (A/62/7/Add.14, para. 15).

18. In the case of United Nations peace operations, the proposed cadre of 2,500 civilian career peacekeepers identified as the baseline medium-term staffing requirement would have the possibility of being offered continuing appointments. The Advisory Committee on Administrative and Budgetary Questions recommended against the establishment of the cadre of 2,500 civilian career peacekeepers, but recognized that international staff working in peacekeeping operations should also be eligible for consideration for continuing contracts (A/62/7/Add.14, paras. 15 and 36). While recognizing the continuing staffing needs of United Nations peace operations, the Advisory Committee's recommendation does not reflect the Secretariat's strategic, medium-term workforce planning or its strategies for developing career staff for service in the field and meeting rapid deployment requirements. Should the General Assembly endorse the recommendation of the Advisory Committee, the criteria for determining continuing need for staff in peacekeeping operations would be based on the type of workforce planning undertaken in the context of determining the composition of the proposed 2,500 civilian career peacekeepers and adjusted, as needed, to reflect projected medium-term needs in other occupational groups and grade levels with transferable skills, including those not originally included in the career cadre, for example, security and human rights personnel.

19. The Secretary-General further proposed that locally recruited staff members in peacekeeping missions whose services continue to be needed beyond five years and who meet the applicable standards should be eligible to be considered for a continuing appointment. Such staff would receive termination indemnity commensurate with their length of appointment when their service ended, normally upon the closure of the mission. The Advisory Committee on Administrative and Budgetary Questions was not convinced that termination payments for locally recruited mission staff should be linked to their type of appointment. The International Civil Service Commission is continuing to discuss separation payments.

20. The Secretary-General proposes that staff members recruited through national competitive examinations should be considered for continuing appointments after five years of service. The International Civil Service Commission considered that such staff members should be considered for continuing appointments after two years of service (A/61/30/Add.1, para. 12). The Advisory Committee will revert to this matter at the sixty-third session in the context of its consideration of human resources management issues.

21. The Secretary-General emphasizes that one of the fundamental objectives of the proposal to streamline contractual arrangements is to enhance fairness and consistency in the treatment of staff, while also simplifying administration. He therefore considers that it is important to avoid creating various categories of staff members with different thresholds for consideration for continuing appointments. At its twenty-ninth session, the Staff-Management Coordination Committee emphasized that in order to promote the equitable treatment of all staff members, the mode of recruitment should not determine the type of appointment offered.

22. While acknowledging that the national competitive examination is an important recruitment tool, the Secretary-General maintains that, in the interest of

the equitable treatment of staff, there should be no change to the proposal to consider staff recruited through national competitive examinations for continuing appointments after five years of continuous service on fixed-term appointments, as would be the case applicable to all other staff members recruited to the Organization through other competitive means. In addition, the Secretary-General proposes that the Office of Human Resources Management should carefully monitor the retention rates of staff members recruited through the national competitive examination to ensure that there are no adverse effects on those staff arising from the new contractual arrangements.

Procedure

23. In accordance with the Secretary-General's proposal to the General Assembly at its sixty-second session, staff members eligible for consideration for a continuing appointment would be reviewed by the department or office concerned and by the Office of Human Resources Management or a local human resources office, and be reconsidered by a joint advisory body in case of disagreement. Following discussions at the twenty-ninth session of the Staff-Management Coordination Committee, the Secretary-General proposes that all cases of staff members eligible for consideration for a continuing appointment should be reviewed by an advisory body, which would consider the need for the staff member's services in the Organization as a whole.

24. The International Civil Service Commission was of the view that the Secretary-General's proposal on continuing appointments would be tantamount to automatic conversion. The Advisory Committee on Administrative and Budgetary Questions shared that concern. The issue was also discussed at the twenty-ninth session of the Staff-Management Coordination Committee. Procedures for rigorous review of both the performance of staff and the continuing need for functions, which would be used in deciding whether to grant a continuing appointment, are set out below:

(a) A thorough review would be made of the staff member's performance, including examination of his or her file and performance evaluations. The staff member would need to have received fully successful performance ratings for four years and should not have been subject to any disciplinary measure. As to mechanisms to strengthen the performance management system, a staff-management intra-sessional working group was established in 2007 and is continuing its review of the current rating system, the difficulties in accessing the electronic performance appraisal system (e-PAS), the need to provide adequate, additional mandatory training to staff and managers alike and the need to hold managers and staff accountable for e-PAS compliance;

(b) A review would be undertaken to ascertain whether the services and functions of the staff member are required by the Organization for the foreseeable future. Functions are defined as an occupation essentially needed in the Organization, required in order to implement its mandate.

Termination of continuing appointments

25. Under the Secretary-General's proposal, a continuing appointment could be terminated for the same reasons as a permanent appointment:

(a) Abolition of post/reduction in the number of staff;

(b) Health reasons;

(c) Unsatisfactory performance;

(d) Disciplinary reasons;

(e) In the interest of the Organization, if the staff member is in agreement;

(f) Other reasons as specified in the letter of appointment;

(g) Facts anterior to the appointment of the staff member coming to light after recruitment, which, under the standards established by the Charter, would have precluded his or her appointment.

26. The only difference is that under a continuing appointment, termination "in the interest of the Organization" may also be pursued without the staff member's agreement.

27. The Advisory Committee on Administrative and Budgetary Questions recommended that the General Assembly request the Secretary-General to report to it at its sixty-third session on the internal procedures developed in that respect (A/62/Add.14, para. 23).

28. In this context, the proposed procedure would be as follows:

(a) The programme manager would submit a detailed recommendation for termination with supporting evidence to the Assistant Secretary-General for Human Resources Management and would discuss the recommendation with the staff member and provide him or her with a copy of the written submission;

(b) The staff member would be given a period to review the recommendation and supporting evidence and to provide his or her comments on the proposal for termination;

(c) The Office of Human Resources Management would review the programme manager's recommendation and the staff member's comments. After checking and considering the facts as presented by all parties concerned, it would decide

(i) To approve the recommendation;

(ii) To return the case for further review and additional information; or

(iii) To choose not to agree with the recommendation;

(d) The staff member could appeal the decision to terminate his or her continuing appointment under chapter X of the Staff Rules.

29. The General Assembly requested the Secretary-General to define the scope of "in the interest of the Organization". In the Secretary-General's view, reasons for termination of a continuing appointment in the interest of the Organization may include grounds such as change or completion of mandate, reorientation of programme or reduction in funding or activities.

30. The Secretary-General has reviewed the issues associated with the establishment of a ceiling on the number of yearly conversions to continuing appointments and consulted with staff representatives in the context of both the

twenty-eighth and twenty-ninth sessions of the Staff-Management Coordination Committee. The Secretary-General is of the view that the introduction of a ceiling would not be in the interest of the Organization, nor would it be fair to staff. A ceiling could unfairly deny staff members the opportunity to receive continuing appointments, even if the Organization would need their functions in the future and they had received excellent performance ratings. Moreover, the Secretary-General considers that a ceiling linked to particular posts, mandate or function would not be consistent with the Organization's operational requirements and mobility policy. The Secretary-General considers that assessing the continuing need for a staff member's services by reference to particular posts, mandates or functions would have a negative impact on mobility, as staff would be unwilling to assume posts in projects or entities with finite mandates if they were to be ineligible for consideration for continuing appointments, thereby undermining the capacity for programme delivery.

Conditions of service

31. The Secretary-General proposes that, along with the introduction of a single set of staff rules, the Organization would offer entitlements and benefits equivalent to those applicable under the current 100 series of the Staff Rules, except in the case of temporary appointments. Annex I to the present report provides detailed information on the entitlements proposed for each of the three new types of appointments under the new single set of staff rules. The Secretary-General's proposal emanates from the comparison of entitlements and benefits currently applicable to the 100-, 200-, and 300-series appointments and distinguishes the applicability of those entitlements to staff members under a temporary appointment versus a fixed-term or continuing appointment with a view to promoting greater equity in the entitlements available to staff.

32. More than 90 per cent of international staff in United Nations peace operations currently serve in non-family duty stations, and are separated for prolonged periods from their families without being compensated for having to maintain a separate household. The compensation package for mission staff is between 30 and 40 per cent lower than that for field staff of the United Nations agencies, funds and programmes in the same location, leading to competition for the best qualified field staff and hampering the Organization's ability to attract staff to meet operational requirements (see A/61/30/Add.1). International staff vacancy rates average 26 per cent, compounded by an annual turnover rate in 2007 of 29 per cent for Professional staff. Prompt action to address conditions of service for staff in the field is therefore critical for the successful recruitment, management and retention of a highly qualified and motivated complement of civilian personnel in sufficient numbers who are adequately equipped to effectively fulfil complex peacekeeping and special political mandates and responsibly manage and administer financial, human and physical resources currently valued at more than $7 billion per annum. Streamlining contractual arrangements and addressing conditions of service are two interrelated cornerstones of the Secretary-General's new human resources framework designed to meet the operational requirements of the Secretariat, both at its established duty stations and in its field operations.

33. Previous reports of the Secretary-General (A/61/255 and A/61/861) provided detailed proposals for the harmonization of conditions of service of staff in the field with those of the United Nations agencies, funds and programmes. Those proposals included designating missions as family or non-family (which would replace the

current "special" or "established" mission designation) in line with the practice of the United Nations agencies, funds and programmes; introducing the special operations approach for non-family duty stations; and replacing the occasional recuperation break with paid rest and recuperation travel.

34. Under the special operations approach, staff members and their eligible dependants would be installed at a suitable location near the non-family duty station, which would be the staff member's administrative place of assignment. The staff member would receive payment of travel, shipment, post adjustment, assignment grant, mobility and hardship allowance and rental subsidy applicable to the administrative place of assignment. The staff member would then deploy to the non-family duty station and receive a special operations living allowance, which is similar to the current mission subsistence allowance, to cover expenses at the non-family duty station.

35. At its March 2007 session, the International Civil Service Commission endorsed the Secretary-General's proposals to harmonize the conditions of service for staff in the field with those of the United Nations agencies, funds and programmes (see A/61/30/Add.1).

36. The Advisory Committee on Administrative and Budgetary Questions in its report (A/61/7/Add.14) supported the Secretary-General's proposal to designate missions as family or non-family duty stations in harmony with the designations applied by the other field-based organizations of the United Nations common system and the introduction of paid rest and recuperation travel to replace unpaid occasional recuperation break.

37. The Advisory Committee, however, recommended deferring a decision on the introduction of the special operations approach for non-family duty stations in order to allow sufficient time for the improvements associated with the implementation of streamlined contractual arrangements to take effect.

38. Deferral of a decision on the special operations approach and implementation of streamlined contractual arrangements would be accomplished through a harmonization of conditions of service across Secretariat duty stations. Such an approach would involve a staff member being installed at the non-family duty station, where he or she would receive payment of post adjustment, mobility and hardship allowance, assignment grant and rental subsidy in lieu of mission subsistence allowance, while the family would remain in the home country. No compensation would be payable for the cost of maintaining a separate residence for family members. Adopting the Advisory Committee's recommendation to defer consideration of the special operations approach would not, however, address issues related to isolation from family and the financial responsibilities involved in maintaining a second residence for staff serving in non-family duty stations, nor would it achieve the harmonization required to facilitate mobility from Headquarters to the field and from the United Nations agencies, funds and programmes to the field. Opportunities for mission staff to serve in a family duty station would remain limited, as 80 per cent of mission staff would still be assigned to non-family duty stations based on the current designation of duty stations by the United Nations agencies, funds and programmes.

IV. Implementation timeline

39. The General Assembly, in its resolution 62/248, decided to continue its consideration of the issue of contractual arrangements and conditions of service, including United Nations field operations, as a matter of priority at the main part of its sixty-third session with a view to the implementation of new arrangements and conditions on 1 July 2009.

40. Should the General Assembly approve the proposal to streamline contractual arrangements during the main part of its sixty-third session, the following actions, identified by the Secretary-General, will need to be taken within the six-month period following the Assembly's decision (the references to specific dates provided below are illustrative only):

(a) Should the General Assembly approve the Secretary-General's proposal, the new contractual framework would be introduced on 1 July 2009, and the amended Staff Regulations would come into effect on that date. The full text of the new set of staff rules would be submitted to the Assembly at the resumed part of its sixty-third session;

(b) For staff holding appointments under the 100, 200 and 300 series, the appointments would be reviewed, and conversions or reappointments of staff would take place under the new staff rules, commencing on 1 July 2009, if their services were needed beyond that date. The duration of such appointments under the new staff rules would be either for the remainder of the original appointment held by the staff member or extended, as appropriate;

(c) In his reports (A/61/255 and A/62/274), the Secretary-General indicated that staff members would be given consideration for permanent appointments if they had an acquired right under existing rules to be considered for permanent appointment by the time the change in the contractual framework became effective. Accordingly, all staff members who had accrued five years of continuous service under a 100-series fixed-term appointment as at 30 June 2009 would be eligible to be considered for conversion to permanent appointments and will be granted a permanent appointment if all conditions are met. Staff who had accrued five years of continuous service after 1 July 2009 would be considered for a continuing appointment.

41. The General Assembly will also have before it at its sixty-third session a report on the amendments to the Staff Regulations (A/63/189) which would be required should the General Assembly approve the new contractual arrangements. The amended Staff Regulations would serve as the basis for the Secretary-General to prepare the one set of new staff rules which would become effective on 1 July 2009. The proposed new set of staff rules would reflect any General Assembly decisions taken during the main part of the sixty-third session on the harmonization of conditions of service and the streamlining of contracts.

42. As indicated in the report of the Secretary-General harmonization of conditions of service (A/61/861), should the General Assembly approve the Secretary-General's proposals, the effective date of all components would be 1 July 2009, with phased implementation as outlined below. Replacement of the occasional recuperation break with paid rest and recuperation travel could become immediately operational upon approval by the General Assembly on 1 July 2009. The effective

date of the change of designation from special mission to family duty station would be 1 July 2009, and it is anticipated that the implementation process would be completed by 31 December 2009. The introduction of the special operations approach in non-family duty stations would be effective 1 July 2009, with implementation by 1 April 2010 at the earliest, as it is anticipated that 9 to 12 months would be required for the necessary, legal, administrative and security frameworks in that respect to be put in place.

V. Financial implications

43. The introduction of one United Nations staff contract would require the appointment of staff under a single set of staff rules that would offer entitlements and benefits to staff under the three types of appointments (see annex I). The introduction of one United Nations contract would result in no additional financial implications for the following current categories of staff:

(a) Staff with appointments under the 100 series;

(b) Staff with appointments under the 200 series, for whom the benefits are the same as those of 100-series staff;

(c) Staff on short-term appointments (other than appointments of limited duration) under the 300 series appointed to serve for six months or less;

(d) Locally recruited staff in United Nations peace operations.

44. Based on planned deployment of field personnel by 1 July 2009, the projected financial implications of the reappointment of staff holding 300-series appointments of limited duration under the new United Nations staff contract are estimated at $24.3 million per annum, comprising $3.5 million per annum relating to 10 special political missions and $20.8 million per annum for 11 peacekeeping missions.

45. The financial implications of the proposed change in designation of nine special missions to family duty stations in harmony with the designations applied by the other field-based organizations of the United Nations common system is estimated at $30.3 million per annum, of which $11.3 million relates to the change in designation of six special political missions and $19 million to three peacekeeping operations. Indicative additional resources for the introduction of paid rest and recuperation travel to replace unpaid occasional recuperation break are estimated at $28.5 million per annum, including $4.2 million for special political missions and $24.3 million for peacekeeping operations. The financial implications of introducing the special operations approach in non-family duty stations are estimated at $276 million per annum for eight peacekeeping operations and $24 million per annum for four special political missions.

46. Those estimates update the figures provided by the Secretary-General in his report on harmonization of conditions of service (A/61/861) to reflect the establishment of new peacekeeping missions in Darfur and Chad, the expiry of the mandate of the United Nations Mission in Ethiopia and Eritrea, the closure of the United Nations Tajikistan Office of Peacebuilding and the expected closure of the International Independent Investigation Commission. The estimated costs also include provision for the introduction of the special operations in the United Nations Interim Administration Mission in Kosovo and the United Nations Integrated Office

in Sierra Leone based on current staffing levels; however, costs for those missions may be adjusted to reflect the reconfiguration of the missions in the future.

47. For peacekeeping operations, if the General Assembly approves the Secretary-General's proposals and implementation as such is 1 July 2009, the related resource requirements (see annex II) would be included in the proposed peacekeeping budgets for the period 1 July 2009 to 30 June 2010. For special political missions, 50 per cent of the related resource requirements for the human resources reform proposals would be incorporated into the annual regular budget for the period 1 January to 31 December 2009. Pending the approval by the General Assembly of the proposals set out by the Secretary-General in the present report, those requirements have not been included in the 2009 budgets of special political missions. The requirements would therefore need to be appropriated at such time as the Assembly approves the 2009 budgets for special political missions.

VI. Actions to be taken by the General Assembly

48. The General Assembly may wish

(a) **To approve the new contractual arrangements and conditions of service contained in the present report and the amendments to the Staff Regulations as set out in A/63/189;**

(b) **To approve the proposals to designate missions as family or non-family in harmony with the practice of the United Nations agencies, funds and programmes, effective 1 July 2009, to introduce the special operations approach in non-family duty stations, effective 1 July 2009 with implementation April 2010, and to replace the occasional recuperation break with paid rest and recuperation travel, effective 1 July 2009;**

(c) **To approve the establishment of 2,500 civilian career peacekeepers as detailed in A/61/255/Add.1 and Corr.1 and A/61/850;**

(d) **To appropriate for special political missions for 2009 under section 3, Political affairs, of the programme budget for the biennium 2008-2009, an additional amount of $9,469,000 relating to the period from 1 July to 31 December 2009;**

(e) **To note that the resource requirements for special political missions for future periods beginning 1 January 2010 will be incorporated into the respective budgets for special political missions;**

(f) **To note that the resource requirements for peacekeeping missions for periods beginning 1 July 2009 will be incorporated into the respective budgets for peacekeeping operations.**

Annex I

Proposed entitlements and benefits under the new contractual framework

	Proposed		
Entitlement	*Temporary*	*Fixed-term*	*Continuing*
Base salary	Yes	Yes	Yes
Annual within-grade salary increment	No	Yes	Yes
Post adjustment	Yes	Yes	Yes
Rental subsidy	Yes	Yes	Yes
Dependency benefits	Yes	Yes	Yes
Education grant	No	Yes	Yes
Language allowance	No	Yes	Yes
Mobility allowance	No	Yes	Yes
Hardship allowance	Yes	Yes	Yes
Non-removal	No	Yes	Yes
Hazard pay	Yes	Yes	Yes
Pension participation	Yes, for service of 6 months or more	Yes	Yes
Sick leave	Yes (2 days per contractual month)	**1 year or more, less than 3 years**: 65 days sick leave with full pay/65 days sick leave with half pay in a consecutive calendar year for first 3 years **More than 3 years:** 195 days of sick leave with full pay and 195 days of sick leave with half pay in any 4-year consecutive period	**1 year or more, less than 3 years:** 65 days sick leave with full pay/65 days sick leave with half pay in a consecutive calendar year for first 3 years **More than 3 years:** 195 days of sick leave with full pay and 195 days of sick leave with half pay in any 4-year consecutive period
Health insurance	Yes, for service of 3 months or more	Yes (Premium subsidized for staff member and family)	Yes (Premium subsidized for staff member and family)

Entitlement	*Proposed*		
	Temporary	*Fixed-term*	*Continuing*
Malicious acts insurance	Yes	Yes	Yes
Life insurance	Yes, for service of six months or more premium paid in full by the staff member	Yes (Premium paid in full by the staff member)	Yes (Premium paid in full by the staff member)
After-service health insurance	No	Yes	Yes
Annual leave	Yes (2.5 days per month)	Yes (2.5 days per month)	Yes (2.5 days per month)
Commutation of annual leave	Yes (Up to 30 days)	Yes (Up to 60 days)	Yes (Up to 60 days)
Family leave (uncertified sick leave used as family leave)	Yes (7 days per year)	Yes (7 days per year)	Yes (7 days per year)
Maternity leave	Yes	Yes	Yes
Paternity leave	Yes, upon commencing employment under an appointment for more than 6 months or upon completing 6 months of continuous service, when the staff member's service is expected by the Secretary-General to continue for at least 3 months upon return from paternity leave	Yes	Yes
Family visit travel	Yes, when applicable	Yes	Yes
Home leave travel	Yes (Hardship duty station only; staff member only, as family is not installed)	Yes	Yes
Occasional recuperation break	Yes, for contracts of more than 6 months in designated duty stations	Yes, in designated duty stations	Yes, in designated duty stations
Medical evacuation travel	Yes (Staff member only, as family not installed)	Yes	Yes
Travel upon assignment, transfer, separation	Yes (Staff member only, as family not installed)	Yes	Yes
Unaccompanied shipment upon assignment	Staff member only	Yes	Yes

Entitlement	*Proposed*		
	Temporary	*Fixed-term*	*Continuing*
Unaccompanied shipment upon transfer	Staff member only	Yes	Yes
Unaccompanied shipment upon separation	Staff member only	Yes	Yes
Assignment grant	Yes, as applicable	Yes	Yes
Repatriation grant	Yes, if 1 year or more of continuing service away from the home country	Yes (Ranging from 4-28 weeks of gross salary for Professional staff with dependants, 3-16 weeks for Professional staff without dependants, 2-12 weeks for General Service staff, for 1-12 years of continuous service, respectively (minus staff assessment where applicable))	Yes (Ranging from 4-28 weeks of gross salary for Professional staff with dependants, 3-16 weeks for Professional staff without dependants, 2-12 weeks for General Service staff, for 1-12 years of continuous service, respectively (minus staff assessment where applicable))
Termination indemnity	Yes (1 week for each month of uncompleted service subject to a minimum of 6 weeks' and a maximum of 3 months' pay (as per annex III to the Staff Regulations))	Yes (Ranging from 3-12 months of gross salary for 6-15 years or more of completed service (as per annex III to the Staff Regulations))	Yes (Ranging from 3-12 months of gross salary for 6-15 years or more of completed service (as per annex III to the Staff Regulations))
Death benefit	Yes (Maximum 3 months)	Yes (Ranging from 3 to 9 months pay)	Yes (Ranging from 3 to 9 months pay)
Special post allowance	No	Yes	Yes

Annex II

Estimated annual financial implications for the designation of special missions as family duty stations

(United States dollars)

Mission	*Family duty station entitlements*	*Special operations approach entitlements*	*Reappointment from 300 to 100 series*	*Rest and recuperation travel*	*Total*
Peacekeeping operations					
MINURCAT	0	32 209 689	2 097 656	2 652 000	36 959 344
MINURSO	3 949 596	0	180 873	249 600	4 380 069
MINUSTAH	0	22 043 798	1 718 614	1 911 000	25 673 412
MONUC	0	52 155 876	3 068 451	3 580 200	58 804 527
UNAMID	0	58 088 730	4 570 282	6 432 400	69 091 411
UNMEE	0	0	0	0	0
UNMIK	0	24 337 846	1 237 139	1 692 600	27 267 585
UNMIL	0	27 633 136	1 654 169	1 891 500	31 178 805
UNMIS	0	37 156 902	3 354 832	3 360 000	43 871 734
UNMIT	9 555 416	0	1 273 089	839 800	11 668 305
UNOCI	0	22 420 426	1 376 308	1 552 200	25 348 934
UNOMIG	5 567 310	0	235 039	179 400	5 981 749
Subtotal	**19 072 322**	**276 046 402**	**20 766 451**	**24 340 700**	**340 225 875**
Special political missions					
BINUB		8 273 387	420 972	503 100	9 197 459
BONUCA	1 064 977	0	70 517	52 650	1 188 144
Special Envoy of the Secretary-General for the Lord's Resistance Army-affected areas	123 225	0	24 500	0	147 725
UNAMA		9 038 000	845 780	1 133 600	11 017 380
UNAMI		3 229 008	1 026 971	2 199 600	6 455 579
International Independent Investigation Commission		0	0	0	0
UNIOSIL		3 508 989	186 945	237 900	3 933 834
UNMIN	8 705 464	0	795 715	0	9 501 179
UNOGBIS	673 291	0	39 839	36 400	749 530

Mission	*Family duty station entitlements*	*Special operations approach entitlements*	*Reappointment from 300 to 100 series*	*Rest and recuperation travel*	*Total*
UNPOS	411 347	0	57 202	0	468 549
UNRCCA	286 061		28 082	13 650	327 793
Subtotal	**11 264 365**	**24 049 384**	**3 496 523**	**4 176 900**	**42 987 172**
Total per annum	**30 336 687**	**300 095 787**	**24 262 974**	**28 517 600**	**383 213 048**

Missions: BINUB (United Nations Integrated Office in Burundi); BONUCA (United Nations Peacebuilding Support Office in the Central African Republic); MINURCAT (United Nations Mission in the Central African Republic and Chad); MINURSO (United Nations Mission for the Referendum in Western Sahara); MINUSTAH (United Nations Stabilization Mission in Haiti); MONUC (United Nations Organization Mission in the Democratic Republic of the Congo); UNAMA (United Nations Assistance Mission in Afghanistan); UNAMI (United Nations Assistance Mission for Iraq); UNAMID (African Union-United Nations Hybrid Operation in Darfur); UNIOSIL (United Nations Integrated Office in Sierra Leone); UNMEE (United Nations Mission in Ethiopia and Eritrea); UNMIK (United Nations Interim Administration Mission in Kosovo); UNMIL (United Nations Mission in Liberia); UNMIN (United Nations Mission in Nepal); UNMIS (United Nations Mission in the Sudan); UNMIT (United Nations Integrated Mission in Timor-Leste); UNOCI (United Nations Operation in Côte d'Ivoire); UNOGBIS (United Nations Peacebuilding Support Office in Guinea-Bissau); UNOMIG (United Nations Observer Mission in Georgia); UNPOS (United Nations Political Office for Somalia); UNRCCA (United Nations Regional Centre for Preventive Diplomacy for Central Asia).

United Nations A/63/299

General Assembly

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Sixty-third session
Item 67 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Missing persons**

Report of the Secretary-General

Summary

In its resolution 61/155, on missing persons, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to submit a comprehensive report on the implementation of the resolution, including relevant recommendations, to the Human Rights Council at its relevant session and to the General Assembly at its sixty-third session. The present report has been prepared in accordance with resolution 61/155.

* A/63/150 and Corr.1.
** The present report was submitted after the deadline in order to reflect the most up-to-date information.

08-46369 (E) 120908

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I. Introduction

1. The General Assembly, in its resolution 61/155, noted that the issue of persons reported missing in connection with international armed conflict, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts to put an end to those conflicts and causes suffering to the families of missing persons, and stressed in that regard the need to address the issue from a humanitarian perspective, among others. The General Assembly urged States strictly to observe, respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and in the Protocols Additional thereto of 1977.

2. The Assembly called upon States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict, to account for persons reported missing as a result of such a situation and to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with armed conflict. It also reaffirmed the right of families to know the fate of their relatives reported missing in connection with armed conflicts and the duty of each party to an armed conflict, as soon as circumstances permit it and, at the latest, from the end of active hostilities, to search for the persons who have been reported missing by an adverse party.

3. The Assembly also requested States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children. It also invited States which are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross (ICRC) in establishing the fate of missing persons and to adopt a comprehensive approach to that issue, including all practical and coordination mechanisms as may be necessary, based on humanitarian considerations only.

4. The Secretary-General was requested to submit a report on the implementation of resolution 61/155 to the Assembly at its sixty-third session.

5. In response to a note verbale dated 10 June 2008, information was received from Azerbaijan, Bahrain, Costa Rica, El Salvador, Guatemala, the Islamic Republic of Iran, Japan, Monaco, Morocco and Ukraine. Information was also received from the International Committee of the Red Cross, the International Commission on Missing Persons and the Argentine Forensic Anthropology Team. The responses can be grouped under four general themes: measures to prevent persons from going missing; the right to know; developments in forensic sciences; and the question of impunity. Each theme will be addressed in sections II to V below.

II. Measures to prevent persons from going missing

6. In its resolution 61/155, the General Assembly called upon States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflicts and account for persons reported missing as a result of such a situation.

7. The issue of prevention was stressed by several organizations and countries. The General Assembly adopted, on 20 December 2006, the International Convention

for the Protection of All Persons from Enforced Disappearance, which sets out special measures that States must take to prevent disappearance and address related issues (see resolution 61/177).

8. The Inter-Parliamentary Union, at its 115th Assembly, adopted a resolution on missing persons, in which it set out measures to address and resolve the issue and called upon national parliaments to take action, notably by requesting them to bring the problem of missing persons to the attention of their respective Governments using all the means at their disposal, so that comprehensive national policies are adopted to resolve the problem of missing persons, enhance assistance to families of victims and forestall further disappearances. In the resolution, the Union indicated that the national policies should entail the passage and enactment of a national law on missing persons, accompanied by the necessary regulatory and administrative measures; the establishment of national implementation and coordination mechanisms, notably through national commissions entrusted with implementing international humanitarian law; the examination and systematic resolution of the question of missing persons at the end of a conflict in the framework of a process aimed at establishing and maintaining lasting peace and at implementing, where necessary, appropriate independent and impartial national mechanisms of a judicial and non-judicial nature, designed to shed light on the fate of missing persons and meet the needs of families and communities; and appropriate training of State agents in international humanitarian law, as well as in national legislation on missing persons and its implementation.

9. At the regional level, the General Assembly of the Organization of the American States (OAS) adopted, on 3 June 2008, resolution AG/RES.2416 (XXXVIII-O/08), on persons who have disappeared and assistance to members of their families, in which it urged all parties involved in armed conflict and actors in other situations of armed violence to prevent the disappearance of persons, in accordance with applicable international law, and encouraged member States to continue moving forward in preventing the forced disappearance of persons by considering, where appropriate, the adoption of laws, regulations and/or instructions requiring the establishment of official registries in which records will be kept of all detained persons, among other reasons to allow, as appropriate, family members, other interested persons, judicial authorities and/or bodies that have a recognized mandate to protect detainees to learn, within a short period of time, of any detention that has taken place, all of the foregoing without interfering with appropriate communications between detainees and their families.

10. In the resolution, the General Assembly of the OAS also urged member States to step up their efforts to shed light on the fate of persons who have disappeared and, to that end, to ensure that authorities and all mechanisms involved coordinate their work, cooperate among themselves and complement one another's efforts. It encouraged member States to consider enacting, as applicable, domestic laws that recognize the situation of the families of disappearance victims, taking into account the specific needs and particular interests of women heads of household and children, including the consequences of disappearances on property management, child custody, parental rights and marital status, as well as devising adequate compensations programmes.

The adoption of laws and regulations

11. The development and promotion of national legislation, as outlined in resolutions adopted by international and intergovernmental organizations, remain essential in dealing with the issue of missing persons, preventing disappearances, ascertaining the fate of missing persons, ensuring the proper management of information and supporting the families of missing persons. In that regard, ICRC has prepared a model law, with an article-by-article commentary, to help States develop and adopt domestic legislation in that regard. The model law constitutes framework legislation, or a proposal for action, which can be adjusted for national needs; it can be used in whole or in part to develop or supplement existing internal legislation on various topics.

12. The ICRC model law contains eight chapters, covering a number of issues: definitions of terms such as "missing persons" and "relative of the missing" (under "general provisions"); basic rights and measures relating to persons deprived of their freedom and the right of their relatives to know; the legal status of missing persons and related rights; the tracing of missing persons; respect for the deceased; and criminal liability. ICRC is also conducting and supporting studies on the compatibility of domestic law with international humanitarian law as it affects the issue of missing persons. Such studies have already been carried out in Armenia, Azerbaijan, Georgia, Guatemala, Indonesia and Sri Lanka.

13. At the national level, concrete actions are being taken with a view to preventing persons from going missing. For example, in 2004 Japan enacted laws concerning the punishment of grave breaches of international humanitarian law, the treatment of prisoners of war and the protection of civilians. Under the civilian protection law, local governments are obliged to send information concerning the safety and security of residents to the central Government. A computerized information system designed for use in an armed-attack situation was also put into operation, allowing the gathering of information about the safety of those affected and making the information available to the Japanese Red Cross Society. Japan co-organized, with ICRC, a seminar on tracing missing persons for the staff of the Japanese Red Cross Society and the ICRC regional delegation in Kuala Lumpur. The seminar helped the relevant domestic organizations, including local public institutions, to promote efforts to ensure the sharing of information on the safety and security of civilians during armed conflicts.

14. The Government of Iraq has taken steps to address the issue of missing persons. These include the issuance of a decree in 2005 to create a national centre for missing and disappeared persons and the drafting of laws on missing persons and on the protection of mass graves.

The use of means of identification by armed and security forces

15. In time of conflict, the production and proper use of means of identification by armed and security forces play an important role in terms of preventing persons from going missing. In that regard, Governments have the main responsibility for the production and compulsory use by their armed forces of such items as identification tags.

16. In its resolution 61/155, the Assembly requested States to pay the utmost attention to cases of children reported missing in connection with armed conflicts

and to take appropriate measures to search for and identify those children. Means of personal identification for minors is of importance in terms of prevention, as they are particularly vulnerable in time of conflict, notably to forced recruitment. States authorities must, in that regard, take effective measures to provide means of personal identification to minors with a view to preventing their disappearance.

III. The right of families to know

17. In its resolution 61/155, the Assembly reaffirmed the right of families to know the fate of their relatives reported missing in connection with armed conflicts and the need for the parties to an armed conflict to search for persons reported missing by an adverse party. It also called upon States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict and to provide family members with all relevant information they have on their fate.

Tracing

18. As underlined in resolution 61/155, effective measures must be taken to determine the identity and fate of persons reported missing. This responsibility bears on States authorities and armed groups and entails, first, a commitment to implementing international legal instruments, including the four Geneva Conventions and the Protocols Additional thereto, the International Covenant on Civil and Political Rights and the Convention against Torture. Commitment can also be demonstrated through the signing and ratifying of the International Convention for the Protection of All Persons from Enforced Disappearance.

19. Concrete efforts in this regard include the tracing activities carried out by ICRC during armed conflicts and other situations of violence. Those activities include collecting information about people unaccounted for and the circumstances under which they disappeared from their families, direct witnesses, the authorities and any other reliable sources. The information is stored centrally and managed in accordance with laws on the protection of personal data. This information is fundamental when tracing a person and establishing what has happened to him or her. Such searches are undertaken in places of detention, camps for internally displaced persons and refugees, morgues and remote areas. Tracing activities also include supplying the authorities with lists of people unaccounted for, together with information on the circumstances under which they disappeared, requesting information on the location of graves and asking the authorities to allow for the recovery and identification of bodies. The tracing process also involves maintaining a constant dialogue with the authorities or armed groups with the aim of clarifying the fate of missing persons.

20. Tracing activities are also undertaken by the International Commission on Missing Persons in Bosnia and Herzegovina, Croatia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, notably through assisting the authorities in recovering and identifying persons missing since November 2001.

Mechanisms for clarifying the fate of missing persons

21. In order to be effective, tracing activities, the investigation of cases and the management of information require the establishment of mechanisms aimed at

ensuring that parties face up to their obligations and provide the information needed to resolve missing persons cases. In that regard, the Assembly, in its resolution 61/155, recognized the need for the collection, protection and management of data on missing persons according to international and national legal norms and standards, and urged States to cooperate with each other and with other concerned actors working in that area, inter alia, by providing all relevant and appropriate information related to missing persons.

22. Such mechanisms, whose objectives include clarifying the fate of missing persons and supporting their families, already exist in some countries, including Azerbaijan, Chile, Guatemala, Iraq and Japan. However, the establishment of national information bureaux and grave registration services, as provided for in international humanitarian law, is recommended.

23. In Guatemala, a draft law has been submitted to the Congress with a view to creating a commission responsible for the search for persons who are victims of enforced disappearance and other forms of disappearance. Such a commission would design, evaluate and implement plans to search for missing persons, as well as promote measures to deal with victims and their families. The guiding principles of the commission would be the pursuit of, inter alia, the right to the truth, respect for the dignity of the victims and their families and respect for cultural diversity.

24. In 2004, Costa Rica created the Commission on International Humanitarian Law, with the objective of promoting peace and preventing conflict. Since March 2007, the issue of missing persons has been incorporated into the Commission's plan of action. The Commission plans to carry out an analysis of the existing legal framework with a view to proposing, in the medium term, improved mechanisms to prevent persons from going missing, as well as to respond to potential cases of missing persons in Costa Rica.

25. In Bosnia and Herzegovina, a Missing Persons Institute was created, with the assistance of the International Commission on Missing Persons. One of the major tasks of the Institute is to establish a unified central record of those who went missing during the conflict. A central record office will include all records kept by entity agencies and institutions, by associations of families of the missing and by the International Commission on Missing Persons, ICRC and other organizations. The central list will be subject to a rigorous verification process that will ensure its accuracy and prevent the manipulation for political purposes of the numbers of missing persons. The Kosovo Commission on Missing Persons has a mandate to search for persons missing as a result of the conflict, regardless of national, ethnic or religious origin.

Missing persons and archives

26. The proper management and processing of information about missing persons also require the establishment and maintenance of a proper filing and archiving system which complies with standards for keeping personal data confidential. In that respect, ICRC is managing information and processing files on missing persons in many of the contexts in which it operates. A standard software application adaptable to all contexts allows ICRC to store, process and consult information on missing persons while ensuring a high level of data security and confidentiality of information.

27. In Guatemala, the Government is currently working on the gathering, safe-keeping and systematization of archives and documents that could contribute to resolving cases of enforced disappearance and other human rights violations.

IV. The use of traditional forensic methods and DNA forensic sciences in searching for and identifying missing persons

28. As the Assembly recognized in its resolution 61/155, the effective search for and identification of missing persons through traditional forensic methods as well as DNA forensic sciences could significantly assist efforts to identify missing persons.

29. In cases where missing persons are believed to be dead, the recovery, identification and dignified management of their bodies or remains are essential. International humanitarian law requires that States and other parties to an armed conflict or other form of armed violence ensure the proper and dignified management of the dead, to help clarify the fate of missing persons. The 2003 International Conference of Governmental and Non-Governmental Experts on missing persons, which was organized by ICRC, adopted observations and recommendations in that regard. With respect to the management of human remains and information relating to the dead, measures proposed include ensuring that all feasible measures are taken to identify the human remains of those who died and to record their identity; avoiding obstruction of, interference with or impediments to the identification of human remains; issuing death certificates; ensuring that all those involved respect the legal rules and professional ethics applicable to the management, exhumation and identification of human remains; ensuring that forensic specialists, whenever possible, carry out the procedures to exhume and identify human remains; respecting and developing professional ethics and standards of practice for forensic specialists working in international contexts; and ensuring adequate training for all persons collecting information on the dead and handling human remains.

30. With regard to beginning a process of exhumation and identification, the experts agreed that such a process can begin only once a framework has been agreed upon by all those concerned and that the framework should include

(a) The establishment of protocols for exhumation, ante-mortem data collection, autopsies and identification based on scientifically valid and reliable methods and technologies and/or customary, clinical or circumstantial evidence that are deemed appropriate and which have been previously adopted by the scientific community;

(b) Appropriate means of associating the communities and the families in the exhumation, autopsy and identification procedures;

(c) Procedures for handing over the human remains to the family.

31. Guatemala provided information about the functioning of the National Institute of Forensic Sciences, which is responsible for carrying out technical investigations.

32. Some organizations stated that in many parts of the world, forensic aspects of investigating human rights violations were still not included in the process. Although the technological gap in the area of forensics has narrowed over the past two decades in some regions of the South, the credibility of official forensic

institutions often continues to be a major issue. Updating equipment and providing training is crucial for improving results and credibility.

33. While there have been some improvements in this area, it remains critically important, albeit extremely difficult, to ensure that independent forensic investigations are carried out or that independent experts accompanying forensic officials investigating human rights violations. Forensic investigations conducted solely by potentially unreliable experts or institutions that may have a conflict of interest relating to the crime under investigation often do not provide closure to families of victims or society as a whole, resulting in requests for further investigations.

34. With regard to measures aimed at facilitating the right to truth for the families of victims, forensic investigators should assist such families whenever possible by (a) providing basic information before, during and after the forensic work is conducted, informing them of the many possible outcomes of any given forensic investigation (such as the likelihood of locating or identifying remains) and the final results; (b) facilitating access to sites where investigations are being carried out; and (c) considering and addressing their concerns, doubts, questions and objections, taking into account their cultural, religious and funeral customs. If such issues are not taken into account before a forensic investigation has begun, the work may fail and lead to more suffering.

35. The training and promotion of local forensic experts is also an important issue. While international forensic teams assisting in the search for the missing and the disappeared resulting from wars, internal conflicts and repressive regimes have made a major contribution, it is also important that they not limit their interventions to forensic investigation and analysis, but also emphasize working with, training and promoting local teams and local forensic experts. This is essential for a variety of reasons, including the following:

(a) In most of the countries concerned, the forensic work of identifying victims of violations takes decades. International teams tend to spend only a limited amount of time on each mission, usually for a few years only; a national team can dedicate itself full time to this work;

(b) In many of the countries concerned, forensic science is less developed or almost non-existent and, in most cases, archaeological, anthropological and genetic techniques are uncommon or not used at all. The use of physical evidence in court is, in general, limited, and most testimony is oral. The creation of a national forensic team or the training of forensic professionals who can address the problem usually leads to a general improvement in criminal investigation procedures and, as a result, in the exercise of the rule of law;

(c) National teams may serve the families of the victims and their communities in more effective ways because they speak the language, are from the same or a similar culture, have often lived through comparable experiences and often have a strong commitment to improving the rule of law in their countries.

V. Missing persons and the issue of impunity

36. The issue of impunity is not explicitly addressed in resolution 61/155. Reference is made to the principles and norms of international humanitarian law, as

well as international standards of human rights in the resolution. The Assembly noted in that regard that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law. It further noted that the issue of persons reported missing in connection with international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts to put an end to those conflicts and causes suffering to the families of victims of missing persons, and stressed in that regard the need to address the issue from a humanitarian perspective, among others.

37. The General Assembly of OAS, in its resolution AG/RES. 2416 (XXXVIII-O/08), urged member States to punish those found guilty of violating, in armed conflict and other situations of armed violence, provisions of international human rights law and/or international humanitarian law, within their respective spheres of application, which protect persons from disappearances, in particular, forced disappearances. The resolution also urged member States to cooperate among themselves in addressing the various aspects of the problem of the disappearance of persons, including in the area of support for families, the search for missing persons, collection, exhumation and identification of human remains, and mutual assistance in criminal proceedings.

38. The Inter-Parliamentary Union, in its resolution on missing persons, requested parliaments to bring the problem of missing persons to the attention of their respective Governments using all the means at their disposal, so that comprehensive national policies are adopted to resolve the problem of missing persons, enhance assistance to families of victims and forestall further disappearances. The Union called for such national policies to entail, inter alia, the passage and enactment of a national law on missing persons, accompanied by the necessary regulatory and administrative measures, covering notably the aspects of the criminalization under national criminal legislation of violations of international humanitarian norms and international human rights standards applicable to disappearances, and in particular criminalization of enforced disappearances; the establishment of a mechanism for investigation and prosecution to guarantee the enforcement of such national criminal legislation; no recourse to pardon, amnesty or similar political measures to terminate the criminal prosecution or punishment of such crimes; and ineligibility to hold public office when, in the view of the constitutional or competent legal authority, the accused is considered to have perpetrated such crimes. Such national policies should also entail the examination and systematic resolution of the question of missing persons at the end of a conflict in the framework of a process aimed at establishing and maintaining lasting peace and at implementing, where necessary, appropriate independent and impartial national mechanisms of a judicial and non-judicial nature, designed to shed light on the fate of missing persons and meet the needs of families and communities.

39. In a report prepared by ICRC in connection with the twenty-eighth International Conference of the Red Cross and Red Crescent, held from 2 to 6 December 2003, the Committee reiterated the observations and recommendations of the International Conference of Governmental and Non-Governmental Experts, which, with regard to the issue of the clarification of the fate of persons unaccounted for, noted that families and communities need acknowledgment of the events leading to persons becoming unaccounted for and need perpetrators to be held accountable. Measures suggested by the Conference included setting up,

whenever necessary, complementary judicial or non-judicial mechanisms to respond to families' needs and addressing issues related to reparation.

40. Contributions received indicated that approaches to the issue of missing persons and impunity must be reconciled with the seminal work of the United Nations on transitional justice and the rule of law. From that perspective, the suffering of the families of the missing, to which the Assembly, in its resolution 61/155, accords much attention, cannot be addressed only by instruments and mechanisms focusing on humanitarian considerations. Of key importance with regard to the complex issue of missing persons is the fact that the problem often originates in the context of armed conflict and remains well after such conflicts have ended, both causing continuing anguish to families and posing an obstacle to building sustainable peace. The transition from conflict to a state of stability which includes the full implementation of the rule of law is a lengthy process, and addressing the issue of missing persons is an integral part of that process and cannot be accomplished in the short term. The issue of missing persons has a different quality during or immediately after a conflict than it does years or even decades later, after a society has made progress in rebuilding peacetime institutions and reinstating the accountability of its Government. The issue of missing persons thus becomes part of the process of delivering good governance, including democratic governance, and of implementing the rule of law, including ending impunity. It is important that, as part of the process of ending suffering, the families of the missing receive answers. In the context of rebuilding societies affected by conflict, it is also important for such answers to be provided by the very institutions that will be protecting the rights of citizens in the future. By providing answers, law-based local institutions demonstrate that progress has been made and can contribute to rebuilding trust in public institutions. The missing are often victims of heinous crimes, and the location from which their remains are recovered are often the sites of crimes. Beyond the criminal justice dimension, the families of the missing have entitlements under civil and public law, and society at large has an interest in establishing the truth of what happened and making use of its democratic, administrative and judicial institutions for that purpose. The families of the missing want their pain and anguish to be addressed by their Governments and legal institutions so that, eventually, a sense of justice can be delivered.

41. The Working Group on Enforced or Involuntary Disappearances carried out a mission to Argentina from 21 to 24 July 2008 in order to compile information on the situation with regard to enforced disappearances in the country. The Working Group undertook the fact-finding mission on the basis of the conviction that it should carry out missions not only to countries where there are ongoing conditions of political violence or internal armed conflicts leading to enforced disappearances, but also to those countries which, while they have experienced enforced disappearances in the past and still have a large number of outstanding cases with the Working Group, now have democratic regimes, as is the case with Argentina. The Working Group has the core humanitarian mandate to serve as a channel of communication between the families of disappeared persons and the Governments of the countries where those disappearances occurred. In addition, the Working Group also monitors States compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance.

42. According to forensic sciences organizations, forensic investigations conducted solely by potentially unreliable experts or institutions that may represent

a conflict of interest with the crime under investigation often do not provide closure to families of victims and society as a whole. In that regard, it is essential to promote exchanges, including in the context of presentations and workshops, for local judiciaries and lawyers to provide basic information about how the forensic sciences, mainly forensic anthropology, archaeology and genetics, can contribute to judicial investigations. However, evidence of human rights violations does not necessarily mean that justice can be immediately achieved.

43. Many human rights violations are investigated under a judicial framework but not prosecuted because of amnesty laws that limit the role forensic evidence can play in judicial processes. However, as new mechanisms are developed in the field of international criminal law and old cases are brought back to trial,[1] it is important that vital evidence, documental archives and forensic reports be preserved by courts, non-governmental organizations working the field of human rights, truth commissions and other institutions involved in pre-trial or related investigations, so that they can be used, as needed, in future trials. In the same vein, the incorporation of international forensic protocols and guidelines for human rights investigations into domestic criminal procedures is essential. This will ensure that scientific tools and mechanisms developed for human rights investigations will have a longer-term effect. The documents that the United Nations and ICRC have produced relating to forensic science and human rights should be incorporated into domestic criminal procedures.

VI. Conclusions and recommendations

44. **It is essential that measures be taken to prevent persons from going missing, establish the right to know, develop forensic science capacity and counter impunity.**

45. **The problem of missing persons is particularly severe in the context of armed conflict. Measures should be taken to minimize the phenomenon, such as establishing adequate identification processes. The issue should also be addressed as part of peacebuilding processes, with reference to all justice and rule-of-law mechanisms, including the judiciary, parliamentary commissions and truth-seeking mechanisms, on the basis of transparency, accountability and public involvement and participation.**

46. **The right of families to know the fate of missing persons should be respected at all times.**

47. **With regard to forensic sciences, there should be support for forensic work as a component of the investigation of human rights violations. Access to independent forensic investigations of violations of human rights and humanitarian law should also be improved. Appropriate mechanisms should also be created to continue the recovery and identification process beyond the mandate of judicial and non-judicial mechanisms. Enhanced contacts should be established between independent forensic experts and local judiciaries, prosecutors, judges and lawyers. The need for training and promoting local teams and local forensic experts should also be recognized. In this context,**

[1] Argentina and Chile constitute relevant examples in that regard.

regional initiatives could be helpful to improve independence and efficiency in the application of forensic sciences to the investigation of the missing.

48. **It is essential that there is accountability for violations of human rights, including enforced disappearances. In this context, States are called upon to ratify relevant international treaties, in particular the International Convention for the Protection of All Persons from Enforced Disappearance. States are also called upon to bring their domestic laws and practices into conformity with that Convention.**

United Nations A/63/300

General Assembly

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Sixty-third session
Item 104 of the provisional agenda*
Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Note by the Secretary-General**

1. In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, the Secretary-General has the honour to notify the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council.

2. The matters relative to the maintenance of international peace and security of which the Security Council is seized are set out below. Items with which the Council has ceased to deal since the notification to the General Assembly at its sixty-second session (A/62/300) have been deleted. Those deletions, made pursuant to the notes by the President of the Security Council dated 19 July 2006 (S/2006/507) and 19 December 2007 (S/2007/749), are recorded in document S/2008/10/Add.13.

1. The Palestine question.
2. The India-Pakistan question.
3. The Hyderabad question.
4. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General.
5. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council.
6. Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council.
7. The situation in the Middle East.

* A/63/150 and Corr.1.

** The present notification relates to the period from 1 September 2007 to 31 August 2008.

08-50562 (E) 170908

8. The situation in the India/Pakistan subcontinent.

9. Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council.

10. Complaint by Cuba.

11. Arrangements for the proposed Peace Conference on the Middle East.

12. The situation in Cyprus.

13. The situation concerning Western Sahara.

14. The situation in Timor-Leste.

15. The Middle East problem, including the Palestinian question.

16. The situation in the occupied Arab territories.

17. The question of the exercise by the Palestinian people of its inalienable rights.

18. The situation between Iran and Iraq.

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31. Complaint by Ukraine regarding the decree of the Supreme Soviet of the Russian Federation concerning Sevastopol.

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33. The situation in Afghanistan.

34. The situation in Sierra Leone.

35. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

36. The situation in the Great Lakes region.

37. The situation concerning the Democratic Republic of the Congo.

38. The situation in the Central African Republic.

39. Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council.

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43. The situation in Guinea-Bissau.

44. Protection of civilians in armed conflict.

45. Small arms.

46. Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

47. Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones.

48. General issues relating to sanctions.

49. The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations.

50. The situation in the Middle East, including the Palestinian question.

51. Women and peace and security.

52. Briefing by the President of the International Court of Justice.

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61. Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa.

62. The role of the Security Council in the pacific settlement of disputes.

63. Response to the humanitarian situation in Iraq.

64. Security Council mission.

65. Justice and the rule of law: the United Nations role.

66. Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939);

    Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2003/943).

67. Letter dated 2 October 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/934).

68. The importance of mine action for peacekeeping operations.

69. Central African region.

70. Briefings by Chairmen of subsidiary bodies of the Security Council.

71. Post-conflict national reconciliation: role of the United Nations.

72. Cross-border issues in West Africa.

73. The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding.

74. Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes.

75. Non-proliferation of weapons of mass destruction.

76. United Nations peacekeeping operations.

77. Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425).

78. Complex crises and United Nations response.

79. Reports of the Secretary-General on the Sudan.

80. Role of civil society in post-conflict peacebuilding.

81. Civilian aspects of conflict management and peacebuilding.

82. Institutional relationship with the African Union.

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85. The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead.

86. Letters dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2005/485 and S/2005/489).

87. Threats to international peace and security.

88. The role of civil society in conflict prevention and the pacific settlement of disputes.

89. Non-proliferation.

90. The situation in Chad and the Sudan.

91. Briefing by the Chairman of the African Union.

92. Strengthening international law: rule of law and maintenance of international peace and security.

93. Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2006/481).

94. Peace consolidation in West Africa.

95. The situation in Myanmar.

96. Non-proliferation/Democratic People's Republic of Korea.

97. Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920).

98. Maintenance of international peace and security: role of the Security Council in supporting security sector reform.

99. Letter dated 5 April 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2007/186).

100. Maintenance of international peace and security.

101. The situation in Chad, the Central African Republic and the subregion.

102. Peace and security in Africa.

103. The role of regional and subregional organizations in the maintenance of international peace and security.

104. Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

United Nations A/63/300*

General Assembly

Distr.: General
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Sixty-third session
Item 104 of the provisional agenda**
Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Note by the Secretary-General***

1. In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, the Secretary-General has the honour to notify the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council.

2. The matters relative to the maintenance of international peace and security of which the Security Council is seized are set out below. Items with which the Council has ceased to deal since the notification to the General Assembly at its sixty-second session (A/62/300) have been deleted. Those deletions, made pursuant to the notes by the President of the Security Council dated 19 July 2006 (S/2006/507) and 19 December 2007 (S/2007/749), are recorded in document S/2008/10/Add.13.

1. The Palestine question.
2. The India-Pakistan question.
3. The Hyderabad question.
4. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General.
5. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council.
6. Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council.

* Reissued for technical reasons.
** A/63/150 and Corr.1.
*** The present notification relates to the period from 1 September 2007 to 31 August 2008.

08-50562* (E) 220908

7. The situation in the Middle East.

8. The situation in the India/Pakistan subcontinent.

9. Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council.

10. Complaint by Cuba.

11. Arrangements for the proposed Peace Conference on the Middle East.

12. The situation in Cyprus.

13. The situation concerning Western Sahara.

14. The situation in Timor-Leste.

15. The Middle East problem, including the Palestinian question.

16. The situation in the occupied Arab territories.

17. The question of the exercise by the Palestinian people of its inalienable rights.

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102. Peace and security in Africa.

103. The role of regional and subregional organizations in the maintenance of international peace and security.

104. Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

105. Implementation of the note by the President of the Security Council (S/2006/507).

United Nations A/63/301

General Assembly

Distr.: General
18 August 2008

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Sixty-third session
Item 126 of the provisional agenda*
Human resources management

Activities of the Ethics Office

Report of the Secretary-General

Summary

The present report responds to General Assembly resolution 60/254, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", in which the Assembly, having welcomed the establishment of the Ethics Office and endorsed its main responsibilities, requested annual reporting on the activities of the Office and the implementation of ethics policies, under the agenda item relating to human resources management.

The report provides a summary of the activities of the Ethics Office and the implementation of policies relating to ethics and integrity for the period from 1 August 2007 to 31 July 2008.

* A/63/150 and Corr.1.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 60/254, paragraph 16 (i), in which the Assembly requested annual reporting on the activities of the Ethics Office and the implementation of ethics policies, for the consideration and decision of the General Assembly, as appropriate, under the agenda item relating to human resources management.

2. The report also includes coverage of the work of the United Nations Ethics Committee, pursuant to Secretary-General's bulletin ST/SGB/2007/11, entitled "United Nations system-wide application of ethics: separately administered organs and programmes".

3. Furthermore, the report reviews ethics-related activities undertaken by various departments, offices and entities within the Secretariat, as requested by the Advisory Committee on Administrative and Budgetary Questions (see A/60/7/Add.13 and Corr.1-2 and A/62/7/Add.14).

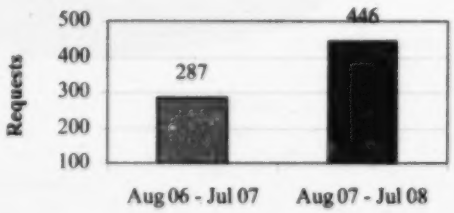
II. Background and general information

4. The establishment of the independent Ethics Office in the United Nations Secretariat was approved by the General Assembly at the 2005 World Summit (resolution 60/1, paragraph 161 (d)), in the context of the overall Secretariat and management reform initiatives. The Office commenced its operations on 3 January 2006.

5. The objective of the Office, as set forth in Secretary-General's bulletin ST/SGB/2005/22, is to assist in ensuring that all staff members observe and perform their functions consistent with the highest standards of integrity, as envisaged in the Charter of the United Nations. The Office reports directly to the Secretary-General and does not replace any existing mechanism available to staff for reporting misconduct or resolving grievances.

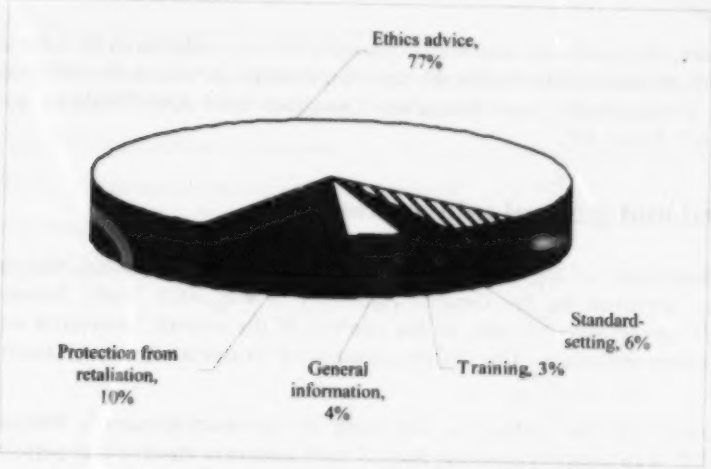
6. The reporting period from 1 August 2007 to 31 July 2008 marks the second full operation cycle of the Ethics Office. During that period, the Office received a total of 446 requests for its services, covering a broad range of ethics-related concerns, from outside activities, post-employment restrictions, gift acceptance, policy advice and standard-setting support to financial disclosure and personal assets and investments. Figure I presents a comparison of the number of requests for the two reporting cycles.

Figure I
Number of requests by cycle
(August 2006-July 2008)



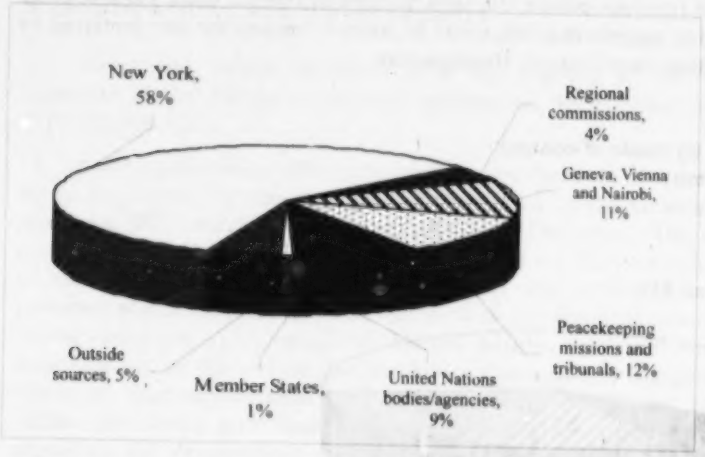
7. With regard to the nature of requests, the volume of requests for advice is noticeable, accounting for 77 per cent of the total volume in the period under review, as compared to 57 per cent in the previous period. Figure II presents the breakdown of requests by category: requests for standard-setting and policy support make up 6 per cent, training 3 per cent, general information 4 per cent and protection from retaliation 10 per cent.

Figure II
Request volume, by category
(1 August 2007-31 July 2008)



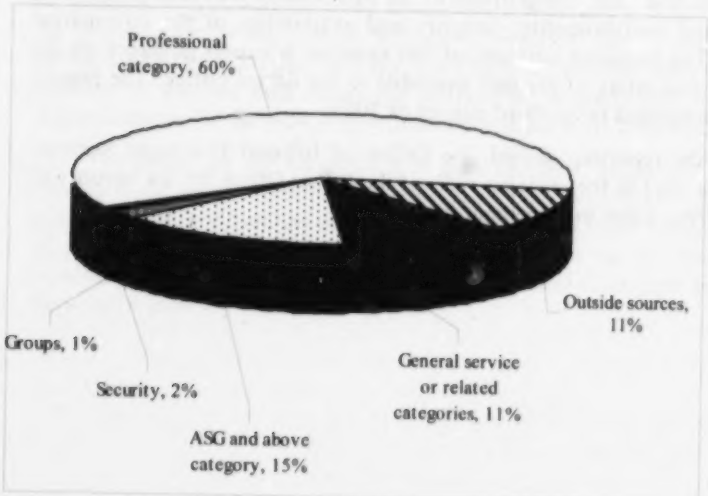
8. Requests for the Ethics Office's services came from diverse geographical and organizational sources, as illustrated in figure III. As compared with requests in the previous reporting period, service demand from staff in peacekeeping missions and tribunals increased from 9 per cent to 12 per cent. The majority of requests for services of the Ethics Office came from New York-based staff (58 per cent).

Figure III
Request volume, by source
(1 August 2007-31 July 2008)



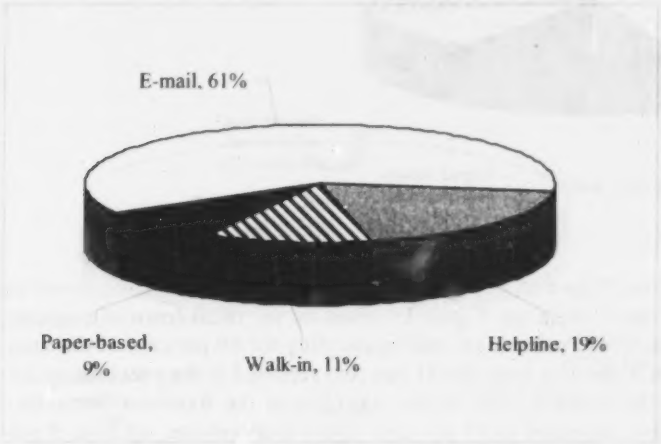
9. The services of the Ethics Office were requested by staff and management at various levels across the Secretariat. Figure IV presents the breakdown of requests by grade, with demand from Professional staff accounting for 60 per cent of the total volume, an increase of 9 per cent from the 51 per cent reported in the previous cycle. It is noteworthy that the demand from senior managers at the Assistant Secretary-General level and above increased to 15 per cent of the total volume, up from 9 per cent during the previous period. This increase may be attributed to enhanced awareness on the part of senior managers of issues relating to ethics and integrity in the discharge of their duties and the management of their offices, as well as the value that they found in consulting with the Ethics Office when such a need arose.

Figure IV
Request volume, by grade
(1 August 2007-31 July 2008)



10. Regarding the mode of contact with the Ethics Office, 60 per cent of the requests were received via e-mail, 19 per cent via the helpline, 12 per cent through walk-in visits and 9 per cent through paper-based correspondence, as illustrated in figure V. As in the previous period, the large volume of contact made via electronic correspondence may suggest that this mode of contact remains the one preferred by staff, especially those based outside Headquarters.

Figure V
Request volume, by mode of contact
(1 August 2007-31 July 2008)



11. Risk assessment and security of information are important areas in ensuring the confidential nature of the work of the Ethics Office and the information it handles.

12. The Ethics Office requested the ICT Quality Assurance and Risk Management Section of the Information Technology Services Division, Department of Management, to perform a comprehensive risk assessment of the Ethics Office information systems and data. The purpose of the information risk assessment is to ensure the continued confidentiality, integrity and availability of the information systems and data. The expected outcome of this exercise is expert guidance on the continued security and safety of the data available to the Ethics Office. The project is expected to be completed in the third quarter of 2008.

13. Also during the reporting period, the Office of Internal Oversight Services conducted an assessment of the business risks of the Ethics Office for the purpose of developing an enterprise risk management framework.

III. Activities of the Ethics Office and implementation of ethics policies

A. Standard-setting and policy support

14. Developing ethical standards is a key function of the Ethics Office, as stipulated in the Secretary-General's bulletin on the establishment of the Office (ST/SGB/2005/22).

15. Notably, the Ethics Office initiated the development of a system-wide code of ethics for United Nations personnel, as mandated by the General Assembly in its resolution 60/1, entitled "2005 World Summit Outcome". The code of ethics is expected to be a values-based document that sets out the core values and principles of ethics and integrity to guide the conduct and behaviour of United Nations personnel. Once adopted, the code will serve as the principal document outlining the ethical standards to be upheld by United Nations personnel. However, with the establishment of the United Nations Ethics Committee in January 2008 under the terms of Secretary-General's bulletin ST/SGB/2007/11, the Ethics Committee further developed and finalized the draft code of ethics. Further information regarding the development of the system-wide code of ethics is discussed in section IV below.

16. The Ethics Office provided substantive support for the development of the above-mentioned Secretary-General's bulletin ST/SGB/2007/11, which extended to the employees of the United Nations funds and programmes the same ethics-related programmes and protections already available to the staff of the Secretariat. That bulletin also provided a framework within which the different United Nations entities can work together to ensure a coherent approach to ethics and integrity and to harmonize their policies and standards in this area.

17. In furtherance of the goals of financial disclosure, which is a core component of effective governance, the Ethics Office initiated the development of the voluntary public disclosure policy, approved by the Secretary-General in December 2007 in respect of senior United Nations officials (at the Assistant Secretary-General level and above). While public disclosure is not a requirement of the financial disclosure programme, it is considered to be an important voluntary initiative that demonstrates the commitment of the United Nations to ensuring that in the discharge of their duties, United Nations staff are not influenced by private interests or any potential conflicts of interest, thus enhancing public trust in the Organization. Details of the implementation of the policy are discussed in section III.D below.

18. The policy on the acceptance of gifts has been under ongoing review with a view to updating the relevant standards, taking into account the global nature of the work of the United Nations and evolving demands and circumstances. In this regard, an interdepartmental working group has been set up to develop a Secretary-General's bulletin that would address the disclosure, storage and, as appropriate, disposal of gifts.

B. Training, education and outreach

19. The Ethics Office is mandated to develop training and education on ethics issues and, in collaboration with the Office of Human Resources Management, to ensure annual ethics training for all staff, to enhance awareness of ethics, integrity and accountability.

20. During the period under review, the Ethics Office continued to collaborate with the Office of Human Resources Management, and other offices as necessary, to maintain a programme of ethics training for staff members at all levels Secretariat-wide.

21. The general ethics training workshop "Working together: professional ethics and integrity in our daily work" continued, in both English and French, at Headquarters, at the United Nations Offices at Geneva, Vienna and Nairobi and at the Economic Commission for Africa, the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Economic and Social Commission for Western Asia. Since the initial launch in 2006, almost 4,000 staff members Secretariat-wide have participated in workshops, of whom 2,023 participated during the period from 1 August 2007 to 31 July 2008.

22. Budgetary provision and plans are in place for a schedule of over 30 workshops at Headquarters and offices away from Headquarters up to the end of 2008; this includes major roll-outs at the Economic and Social Commission for Latin America and the Caribbean, for which Spanish-language ethics training capacity is being developed.

23. Feedback on the ethics training workshop has been positive, reaffirming its relevance and timeliness, and the understanding of the participants of their own obligations as international civil servants to contribute to a culture of ethics and integrity in the Organization. Participants at workshops away from Headquarters indicated a need for local ethics focal points, more outreach activities and customized ethics training by the Ethics Office and the Office of Human Resources Management.

24. Since its launch in 2005, the mandatory online learning programme Integrity Awareness Initiative (see ST/SGB/2005/17) has been completed by 11,958 staff members at all levels, of whom 2,247 completed the programme during the period under review. The content of the programme was reviewed and updated by the Ethics Office, the Office of Human Resources Management and the United Nations Office on Drugs and Crime in the first half of 2008. It continues to serve as an effective, user-friendly model for e-learning ethics programmes for a number of United Nations agencies.

25. In addition to general ethics training, specialized and/or customized ethics training was also provided. The workshop entitled "Ethics and integrity in procurement" was initially developed by the Procurement Service, was reviewed by the Ethics Office, the Office of Human Resources Management and the Procurement Division, Department of Management, and was piloted at the International Tribunal for the Former Yugoslavia and the United Nations Organization Mission in the Democratic Republic of the Congo. In response to growing demand for customized training for staff at all levels who participate in the procurement process, the workshop was launched Secretariat-wide in the first quarter of 2008. By July 2008,

almost 400 staff members at Headquarters had participated in the training. Special sessions were held during the pilot phase at a number of duty stations for staff from field and peacekeeping missions, such as those from missions in Cyprus, Georgia, Iraq, Lebanon, Liberia, Sierra Leone and the Sudan.

26. Ethics training has been mainstreamed into the curriculum of regular training offered at the Secretariat and has become an integral part of many established staff development activities, such as the orientation programme for new staff members, the junior Professional Officer orientation programme, the human resources management, supervisory skills and General Service development II programmes and the Senior Leadership Induction Programme of the Department of Peacekeeping Operations.

27. Challenges lie ahead in maintaining commitment to ethics training by constantly updating and refining its scope and range and the content of the various ethics modules contained in various staff development programmes. Further outreach activities could help staff understand the precise areas and limits of jurisdiction of the Ethics Office and those other offices, such as the Office of the Ombudsman and the Office of Internal Oversight Services.

C. Advice and guidance

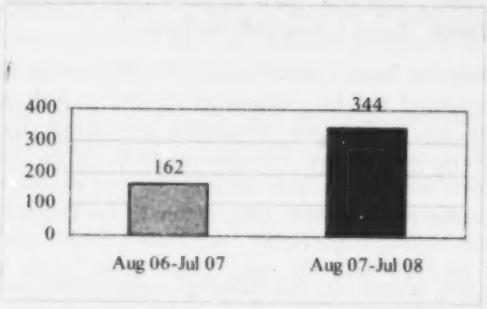
28. The Ethics Office plays an important role in providing confidential advice and guidance to individual staff members, staff groups, departments and offices, as appropriate and required.

29. Staff members may contact the Ethics Office to discuss ethics-related issues that involve either actual, apparent or potential conflicts of interest, such as outside activities, post-employment restrictions, gift acceptance and a wide range of other concerns, as well as to obtain clarification on relevant rules, regulations and policies. On the basis of the facts presented in a particular case, the Office provides advice and guidance on the appropriate course of action to ensure that the issue is resolved in the best interests of the United Nations.

30. The Ethics Office does not replace existing mechanisms for reporting misconduct or the resolution of grievances. Rather, it serves as an office from which staff members and management can seek, in confidence, advice regarding any potential ethical and/or conflict-of-interest concerns.

31. During the period from 1 August 2007 to 31 July 2008, the Ethics Office received 344 requests for advice on a wide range of ethics-related concerns; as illustrated in figure VI, this represents a more than 100 per cent increase from the corresponding number for the previous reporting cycle (162 requests). Requests received during the period under review can be grouped under the headings gifts and hospitality (21 per cent); outside activities (16 per cent); employment-related concerns (39 per cent); conflicts of interest, including personal investments and assets (21 per cent); and post-employment restrictions (3 per cent).

Figure VI
Requests for ethics and advice by cycle
(August 2006-July 2008)



32. This significant increase can be attributed to a number of reasons, including: (a) ongoing ethics training and awareness-raising initiatives; (b) the fact that the Office was in its third year of operation, allowing it to advocate ethical standards, raise visibility and establish procedures, thus enhancing its ability to respond to ethics-related issues; and (c) the recognition by both management and staff of the value added by seeking advice and guidance. This is further supported by the observed complexity of requests received, demonstrating that there is a growing demand for the Ethics Office's functions and services from staff at all levels.

33. It is important to note that, often, employment-related concerns are raised in association with an ethical problem, which explains why the volume of requests in this category is significant. On the basis of the number and nature of the concerns brought forward, it is the observation of the Ethics Office that staff members are not always aware of the right channels for addressing different types of concerns. The Ethics Office has played an important role in advising staff members and directing them to the appropriate authority.

34. In addition to the general advice and guidance offered to the global Secretariat, the Ethics Office responds to enquiries from other United Nations bodies and agencies on information-sharing, best practices, policies and other guidance.

D. Financial disclosure programme

35. The Ethics Office is mandated to administer the financial disclosure programme as a means of maintaining and enhancing public trust in the integrity of the Organization.

36. By the terms of Secretary-General's bulletin ST/SGB/2006/6, on financial disclosure and declaration of interest statements, all staff members at the D-1 or L-6 level and above; all staff (regardless of grade) whose principal duties include procurement or investment functions; all staff with access to confidential procurement or investment information; and all staff serving in the Ethics Office are required to file financial disclosure statements.

37. For the 2007 filing cycle (beginning on 7 May 2007), a total of 2,528 staff members were required to file, using the newly created online financial disclosure filing system, covering the reporting period 1 January 2006-31 December 2006.

38. A total of 92 per cent (2,329 staff members) of staff had fully complied with their filing obligation as at the programme closing date. On the basis of experience from the 2006 filing cycle, although the Ethics Office increased its follow-up efforts with staff who failed to comply with the programme requirements, 7 per cent (172 staff members) failed to submit their statements for review by the programme closing date, while the remaining 1 per cent were not required to file as a consequence of retirement or separation from service. One hundred and seventy-two cases were referred to the Office of Human Resources Management for disciplinary action. This increase in the number of staff members who failed to file may be explained by the fact that this was the first year for all staff using the new online filing system, coupled with a 48 per cent increase in the total number of participants from the previous year.

39. In identifying organizational risk for financial conflicts of interest, Pricewaterhouse Coopers identified 21 staff members (1 per cent of the total number of cases reviewed) as having a potential conflict of interest. In relation to these 21 cases, 19 staff members accepted the advice of Pricewaterhouse Coopers regarding the appropriate compliance arrangement. The cases of the two remaining staff members were referred to the Ethics Office for final resolution, at the request of the staff members concerned. The Ethics Office upheld the original determinations made by Pricewaterhouse Coopers.

40. For the 2007 filing cycle, while there was an increase in the number of staff members who failed to file, Pricewaterhouse Coopers reported a positive increase in staff acceptance and understanding of the programme. Of the 2,329 staff members who submitted a statement, 38 per cent submitted incomplete statements, down from 46 per cent in the previous year; and 5 per cent submitted a statement that required clarification, down from 11 per cent in the previous year. It remains a fundamental goal of the Ethics Office to increase staff acceptance and understanding of the programme.

41. In addition to the review process, an important and integral part of the financial disclosure programme is the verification process, which is conducted at random among staff members subject to the programme. The intent of the verification process is to validate the information disclosed in randomly selected 2007 financial disclosure statements and to ensure the completeness of the information disclosed. Four staff members who failed to comply with the verification process were referred to the Office of Human Resources Management for follow-up disciplinary action.

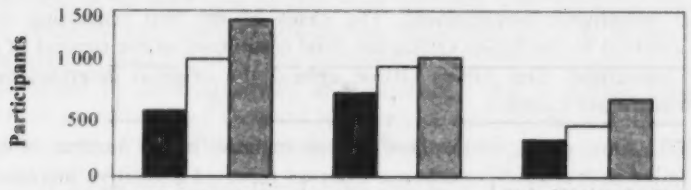
42. For the 2008 filing cycle (commencing on 1 March 2008), 3,225 staff members were enrolled as of June 2008, representing an increase of 27.5 per cent from the previous cycle.

43. Figure VII presents a comparison of the participation levels in the three previous filing cycles of the financial disclosure programme, in addition to a breakdown of participants in those filing cycles by organizational grouping: the Secretariat; peacekeeping operations; and United Nations bodies/agencies and others. The most notable increases were within peacekeeping operations (34 per cent) and United Nations bodies/agencies (52 per cent), of which 162 of the new filers were from the Office of the United Nations High Commissioner for Refugees (UNHCR). The overall consistent increase also likely reflects an increased awareness on the part of heads of departments regarding the application of the

financial disclosure programme in relation to their staff's official duties and responsibilities, particularly as they relate to procurement, investment of funds or access to confidential procurement or investment information.

44. Overall, the financial disclosure programme is administered by the Ethics Office to staff throughout the United Nations family on a cost-sharing basis, with the United Nations Institute for Training and Research and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) joining in the latter half of 2007. The Ethics Office continues to liaise with those United Nations bodies and agencies that have not yet fully joined the programme or that are in the process of establishing their own financial disclosure programme in order to encourage standard-setting and share best practices.

Figure VII
Financial disclosure programme participation, by entity and cycle



	Peacekeeping operations	Secretariat[a]	United Nations bodies/ agencies and other
■ 2005	603	762	339
□ 2006	1062	997	469
▣ 2007	1424	1084	717

[a] The grouping "Secretariat" refers to those departments/offices and entities that are listed in ST/SGB/1997/5 and whose budget is covered from the United Nations regular budget.

45. The most important feature of the financial disclosure programme during the period under review was the Secretary-General's introduction in December 2007 of voluntary public disclosure of financial statements by senior United Nations officials (at the Assistant Secretary-General level and above). The voluntary public disclosures of Under-Secretaries-General and Assistant Secretaries-General under the 2007 programme were posted on the Secretary-General's website.

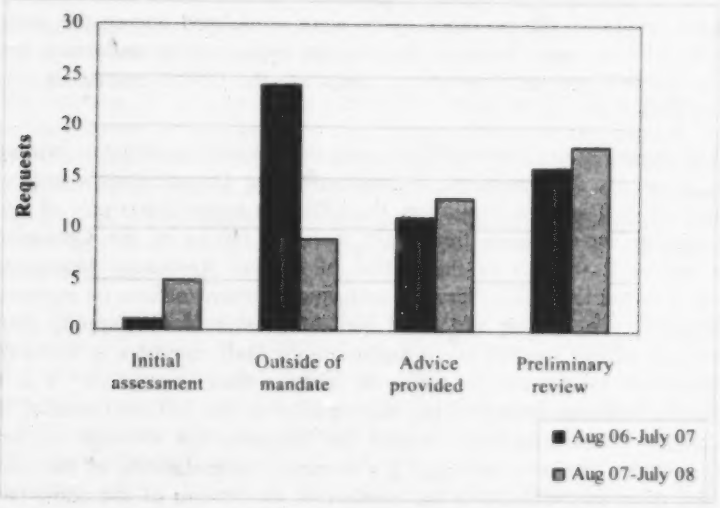
46. The Ethics Office will, in consultation with relevant departments and offices, examine possible measures to enhance the overall level of compliance with the programme.

E. Protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

47. The policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations entered into force on 1 January 2006, with the publication of ST/SGB/2005/21. That bulletin formalizes protective measures for staff members under threat of, or experiencing, retaliation for duly reporting misconduct or for cooperating with duly authorized audits or investigations. Once a prima facie case has been determined to exist, the policy shifts the burden of proof to the Organization, requiring management to show that it would have taken the same action absent the protected activity.

48. From 1 August 2007 to 31 July 2008, the Ethics Office received 45 complaints of retaliation. As seen in figure VIII, the number of complaints warranting preliminary review by the Ethics Office increased from the level of the previous reporting cycle, while the number of complaints later found to fall outside the mandate decreased considerably. This decrease may be explained by a better understanding of the functions and activities of the Office and the effectiveness of the advice and guidance that the Office has provided to staff on ethics-related matters.

Figure VIII
Actions taken on requests for protection, by cycle
(1 August 2007-31 July 2008)



49. The early assessment of cases found that 18 complaints of all those received by the Office warranted a preliminary review. The preliminary review process involves a review of documentation submitted by the complainant and fact-finding in order to determine if there is independent and corroborated information in support of the complaint of retaliation. If the Office finds a prima facie case of retaliation, it then refers the matter to the Office of Internal Oversight Services for investigation.

During the reporting period, the Ethics Office concluded its preliminary review of seven cases and determined in each that there was no prima facie case of retaliation. The preliminary review process is still under way in relation to the remaining 11 cases.

50. Of the remaining 27 complaints, nine were determined to fall outside the scope of the mandate and 13 complainants were provided with advice and guidance on recourse to the more appropriate mechanism to address their concern. Five complaints received by the Office are in the initial assessment phase of their review.

51. As regards the issues that either fell outside the mandate of the Ethics Office or where the Office provided advice and guidance to complainants, staff were generally seeking information on how and where to report a particular wrongdoing; what their rights and obligations were with respect to reporting misconduct; and what protection measures would be available. The Office found that most often, the protected activity involved reporting abuse of authority, harassment or irregularities in the recruitment, appointment and promotion processes.

52. In the report on the previous cycle, it was indicated that the Office had found that there was a prima facie case of retaliation in two cases and that those two cases had been referred to the Office of Internal Oversight Services for investigation. During the period under review, the Office of Internal Oversight Services completed its investigation and found that the evidence did not establish retaliation within the meaning of Secretary-General's bulletin ST/SGB/2005/21. The complainants, the heads of the department or office concerned, the Under-Secretary-General for Management and the Secretary-General were informed of the outcome of the Office of Internal Oversight Services investigations. The four cases that were reported as still under review in the previous cycle were completed during the period under review. In all four cases, because the relevant organizations undertook appropriate action to address the staff members' concerns, the Office ceased its review and closed its files.

53. With regard to the Ethics Office's role in the newly established internal justice system, given its responsibility to implement the Organization's policy for the protection of staff against retaliation, the Office is a significant part of the internal justice system and interacts frequently with the Office of the Ombudsman, the Administrative Law Unit of the Office of Human Resources Management, the Office of Internal Oversight Services and other relevant offices on matters brought to its attention. The Office has noted that the seemingly overlapping mandates of these various offices has led to confusion among staff members in terms of finding the appropriate mechanism or office to address their grievances. It is therefore important to continue strengthening the capacity of the different entities that carry out inquiries or investigations within the Organization through comprehensive training modules aimed at developing a common understanding of the role of each entity and their interrelation in the context of the reform of the administration of justice and of the proposed new accountability architecture.

IV. United Nations Ethics Committee

54. The United Nations Ethics Committee was established by Secretary-General's bulletin ST/SGB/2007/11, which came into force on 1 December 2007. The main responsibilities of the Committee are to establish a unified set of ethical standards and policies of the United Nations Secretariat and of the separately administered organs and programmes, and to consult on certain important and particularly complex cases and issues having United Nations-wide implications raised by any Ethics Office or the Chairperson of the Ethics Committee.

55. The United Nations Ethics Committee consists of the heads of the Ethics Offices of the separately administered organs and programmes of the United Nations and the Ethics Office of the United Nations Secretariat. As at 31 July 2008, the Committee's membership comprised the United Nations Secretariat Ethics Office, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Office for Project Services, the World Food Programme and UNRWA. The United Nations Institute for Disarmament Research, the United Nations Research Institute for Social Development and the United Nations Interregional Crime and Justice Research Institute officially requested the United Nations Secretariat Ethics Office to deliver ethics functions in regard to their staff. It is to be noted that the non-appointment or non-designation of an Ethics Officer in separately administered organs and programmes, or the absence of a policy on protection from retaliation in separately administered organ or programme, has a direct impact upon the duties and responsibilities of the United Nations Secretariat Ethics Office, as it must assume the ethics functions of those entities. During the period from January to July 2008, the United Nations Ethics Committee met in five formal sessions and two informal sessions.

56. Under section 5 of Secretary-General's bulletin ST/SGB/2007/11, the Committee is chaired by the head of the Ethics Office of the United Nations Secretariat, who provides functional leadership to all Ethics Officers of the separately administered organs and programmes in order to promote the building and development of capacity, including adequate levels of professionally qualified resources, and to ensure adherence to consistent methodology in the delivery of ethics-related services.

57. One of the Committee's key priorities for 2008 was the development of a system-wide code of ethics, as requested by the General Assembly in paragraph 161 (d) of its resolution 60/1, and paragraph 16 (a) of its resolution 60/254. The draft system-wide code of ethics has been formulated as a values-based framework built upon the purposes, values and principles espoused in the Charter of the United Nations, the applicable staff regulations and rules and the code of conduct for the international civil service. Following deliberations by the Committee, the draft code was finalized and submitted to the Secretary-General in order to initiate a process of broad consultation with management, staff representatives and the International Civil Service Commission.

58. The United Nations Ethics Committee has exchanged information on policy development and implementation with a view to harmonizing ethical standards and fostering a coherent approach in applying such standards and policies in the United

Nations. The Committee also focuses on policy coordination in the areas of ethics training, financial disclosure and protection against retaliation.

59. The Chairperson of the Ethics Committee has consulted the other members of the Committee on cases brought by individual staff members of separately administered organs and programmes. Those staff members have requested a review of their cases by the Chairperson of the Committee under the terms of section 4.3 of Secretary-General's bulletin ST/SGB/2007/11, regarding allegations of retaliation for reporting misconduct or cooperating with duly authorized audits or investigations. During the period from January to July 2008, two cases were referred to the Committee, both from the same programme. In the first case, following consultation with the other members of the Committee, the Chairperson proceeded to undertake an independent review and concluded that retaliation had been committed against the complainant. The Chairperson recommended remedial actions to be taken by the programme concerned, and the recommendations were accepted for implementation. In the second case, on the basis of the information made available by the complainant, the Chairperson concurred with the conclusion of the Ethics Office of the programme concerned and consequently decided not to proceed with any further review.

60. As mandated in Secretary-General's bulletin ST/SGB/2007/11, the Ethics Committee will review the annual reports of the Ethics Offices of the United Nations Secretariat and the separately administered organs and programmes and make recommendations for the future. During the period under review, the Committee considered the report of the Ethics Office of the United Nations Secretariat. The consideration of the annual reports of the separately administered organs and programmes has been planned for early 2009.

61. It has been noted that, currently, only the United Nations Secretariat and the separately administered organs and programmes are members of the United Nations Ethics Committee. In order for standards of ethics and integrity to be applied coherently system-wide, it is important to engage United Nations specialized agencies and other interested entities in the process on a broad basis and through an open mechanism. Various options are to be explored for United Nations agencies and other entities to participate in these coordinating mechanisms to enhance system-wide synergy and coherence on issues relating to ethics and integrity. One such option could be for United Nations agencies and other entities to participate in the United Nations Ethics Committee on a voluntary or optional basis through the establishment of a memorandum of understanding or similar arrangements.

V. Ethics-related activities within the Secretariat

62. In paragraph 25 of its report to the General Assembly entitled "2005 World Summit Outcome" (A/60/7/Add.13 and Corr.1-2), the Advisory Committee on Administrative and Budgetary Questions noted that

> many ethics-related activities are already carried out in different parts of the Secretariat, including the Executive Office of the Secretary-General, the Office of Human Resources Management, the Office of Internal Oversight Services, the Office of Legal Affairs and the Department of Peacekeeping Operations.

63. In this regard, the Advisory Committee requested the Secretary-General to describe, in a

> comprehensive follow-up report ... the various ethics activities carried out by different organizational entities within the Secretariat, laying out a plan for coordination among them and exploring the possibility for redeployment of resources to the ethics office if needed. The Committee considers this essential to the planning of a rational structure for the ethics office.

64. In response to that request, in 2007 the Secretary-General stated in his report to the General Assembly on the activities of the Ethics Office (A/62/285) that the Ethics Office had carried out a preliminary survey of ethics-related activities within the Secretariat and that a compilation was being developed. In its report A/62/7/Add.14, the Advisory Committee noted the preliminary survey being carried out by the Ethics Office and requested the Secretary-General to report on the compilation of such activities to the General Assembly at its sixty-third session. The present document provides, below, comprehensive information on the compilation of ethics-related activities in the Secretariat and recommendations aimed at strengthening the coordination of such activities.

65. The Ethics Office carried out a survey of ethics-related activities undertaken by various departments and offices and other organizational entities within the Secretariat in the second half of 2007. Responses were received from 14 departments and offices and other entities. In addition, information was obtained from sources such as official United Nations documents, internal Secretariat documents and the United Nations Intranet sites. For the purpose of the compilation, ethics-related activities are defined as those additional departmental or office-specific activities or documents, such as supplemental codes, rules, guidelines, information or training, that have been developed in order to better inform staff members on how to discharge their duties while ensuring that they, their family members and associated third parties do not benefit or appear to benefit from the decisions they make, the influence they may have or the information to which they may be privy.

66. Information obtained was compiled into five broad categories of ethics-related activities: (a) issuances of departmental or office-specific codes on ethics-related matters such as ethics codes, codes of conduct with ethics components or conflicts of interest; (b) departmental or office-specific rules or guidelines, other than those that may be contained in the supplemental codes or rules referred to in (a) above, that deal with ethics-related activities such as acceptance of gifts, outside activities, post-employment restrictions or protection from retaliation for reporting misconduct or cooperating with a duly authorized investigation; (c) departmental or office-specific ethics training programmes, or training programmes with ethics components; (d) publications, manuals and documents on ethics-related issues that have been produced by departments, offices and entities; and (e) department and office focal points from whom staff can seek advice and guidance on ethics-related matters in general, or arising as a consequence of matters referred to above.

67. The findings emerging from the review of the information available show that existing overarching standards, in particular the values and principles of the United Nations Charter, applicable staff regulations and rules, including those relating to the status, basic rights and duties of United Nations staff members (see ST/SGB/2002/13), and the Standards of Conduct of the International Civil Service

remain the key source of authority and guidance for staff on ethics and integrity. At the same time, and in response to specific professional requirements and/or demands from field offices, a number of departments and offices and entities have issued supplementary codes, rules or guidelines on ethics-related matters that: (a) are specifically relevant to their functions and responsibilities, or those of an occupational or technical group performing particular functions, and (b) address fundamental professional principles.

68. Eleven departments/offices and entities have developed or, jointly with other United Nations entities performing similar functions, adopted comprehensive codes of conduct or codes of ethics, declarations of principles or similar standards on ethics-related matters that are specific to certain professions, responsibilities and duties. They take the form of an ethics pledge, a statement of principles, a declaration, an oath of office or a code of conduct. Examples include the 1999 code of conduct for human rights officers; the declaration of principles for staff of the Office of the Ombudsman; the code of ethics for the United Nations Safety and Security Service; the code of conduct for evaluation in the United Nations system (as adopted by the United Nations Development Group); the 2004 Code of Conduct for the staff of UNHCR; the statement of independence for personnel of the Internal Audit Division; and the declaration of principles for personnel of the Investigations Division of the Office of Internal Oversight Services.

69. In addition to supplementary codes of conduct, specific supplementary rules, regulations or guidelines have been developed by eight departments and offices or entities to provide guidance to staff members on ethics and integrity in their performance of official duties and functions. They are tailored to the particular nature of work and needs of departments and offices and deal with specific matters such as gifts and hospitality, confidentiality, outside activities and sexual exploitation and abuse. These include, for example, the 2004 guidelines and procedures on offers of gifts and hospitality (Department of Management), the 2006 online forms for registering gifts and benefits and requests for approval of an outside activity (United Nations Office at Vienna and United Nations Office on Drugs and Crime) and ethical guidelines for evaluation by the United Nations evaluation group.

70. It should be noted that, in addition to codes, regulations and guidelines issued by the United Nations, some offices and entities find it essential for staff in certain professional groups to abide by professional codes of ethics adopted by professional associations, such as the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and the 1996 Code of Ethics for Archivists issued by the International Council on Archives, of which the United Nations is a member.

71. Despite the diverse forms that these supplementary codes, rules and guidelines on ethics-related matters have taken for different departments, offices and entities, they all serve one common goal: to ensure that staff abide by shared professional values and principles governing their functions and duties.

72. In the area of ethics training or training with an ethics component, most of the responding departments and offices reported that their staff had participated in the general training provided, in addition to the mandatory training provided to the global Secretariat jointly by the Ethics Office and the Office of Human Resources Management, as reported in section III.B above.

73. Eight departments and offices and entities have offered departmental or office-specific ethics training to their staff members using various forms, such as quizzes, courses, workshops and briefings, which discussed the linkages with and implications for ethics and integrity of such areas as fraud, human rights, harassment, archiving and procurement. Examples of these training activities include the United Nations Office on Drugs and Crime field representative seminar, comprising an ethics information session and an integrity quiz; training in the Code of Ethics for Archivists, specific training activities offered in the Office of Human Resources Management; training on ethics, integrity and harassment in peacekeeping missions; and induction courses and training courses on human rights monitoring. As discussed in section III.B above, customized or specialized training on fraud prevention and ethics in the procurement process has been provided jointly by the Ethics Office, the Office of Human Resources Management and the Procurement Division, Department of Management, to staff participating in the procurement process both at Headquarters and in the field, including peacekeeping missions, since early 2008.

74. In addition to general ethics documents meant for the use of the global Secretariat, ethics-related publications, documents or manuals tailored to specific departmental concerns were issued by several departments and offices. Examples of these include the Training Manual on Human Rights Monitoring (including CD-ROM resource package) issued by OHCHR, and training materials issued by the Department of Peacekeeping Operations.

75. Departmental focal points have been designated in seven departments and offices to provide guidance and advice on ethics-related matters to staff within the departments and offices. This mechanism provides an easy source of reference for staff of a particular department or office. It does not replace the existing functions of providing ethics advice and guidance being performed by the Ethics Office, should the staff member concerned wish to seek the advice and guidance of the Office. Departmental focal points are found in the United Nations Office at Vienna, the United Nations Office on Drugs and Crime, the Department of Management, the Office of Internal Oversight Services, the Office for Disarmament Affairs, the Office of Legal Affairs and ESCAP. In particular, the Office of Internal Oversight Services had a focal point in 2005-2006 that regularly contributed to ethics-related topics covered in its quarterly newsletter and staff news publication.

76. In reviewing information received on ethics-related activities undertaken within the Secretariat, the following observations are made. Firstly, the overarching values and principles applicable to the global Secretariat remain the most authoritative source of guidance to staff on ethics and integrity. Secondly, departmental specific regulations, guidelines, ethics training or training programmes with an ethics component that have been developed or pursued by various departments or offices respond to specific occupational requirements or the growing demands of field offices or address specific occupational issues. Thirdly, the issuance of ethics-related publications specific to a department or office and the designation of departmental focal points do not replace the existing mechanisms or functions being performed by the Ethics Office. In practice, they serve as supplemental sources of guidance and easy reference for staff in the performance of their duties.

77. With a view to improving coordination among Secretariat departments, offices and entities in respect of ethics-related services, it is important that the Ethics Office be consulted on the development and updating of the contents of such activities to ensure a coherent approach to addressing ethics and integrity issues within the Organization. The customized training on ethics in procurement activities developed by the Ethics Office, the Office of Human Resources Management and the Procurement Division is a good example. The Ethics Office holds the view that supplemental department-specific regulations, training and publications have brought added value to general ethics-related activities provided by the Ethics Office itself, or by the Ethics Office in collaboration with the Office of Human Resources Management in addressing specific needs. Therefore, more time is needed in order to assess the impact of these department-specific activities and explore the possibility of redeploying resources to the Ethics Office for stronger programme impact within the Secretariat, especially as the work of the Ethics Office continues to evolve over time.

VI. Observations

78. The reporting period from 1 August 2007 to 31 July 2008 marked the second full operating cycle of the Ethics Office since its establishment on 3 January 2006. The activities undertaken by the Office, the increasing demands for its service, the growing complexity of the requests and the broad diversity of the sources of the requests have reaffirmed its relevance and contribution to building a culture of ethics and integrity in the United Nations.

79. It is important to emphasize the advisory and preventive nature of the functions of the Ethics Office, through which staff and management are provided with advice on the best course of action to take in order to prevent, avoid, identify and manage conflicts of interest should they arise in the performance of their functions and duties. There remains a certain degree of confusion among the staff at large as to the distinction between the functions of various mechanisms, such as the Office of the Ombudsman, the Office of Human Resources Management and the Office of Internal Oversight Services. Advocacy and outreach activities need to continue to clarify the roles and functions of these bodies so as to enhance staff understanding of the mechanisms available to them in addressing the different types of concerns.

80. It is crucial to continue advocating and promoting adherence to existing standards of ethics and integrity among United Nations personnel for a culture of ethics to be fostered in the Organization. This requires that staff members fully understand and comply with their obligations as United Nations personnel. While regular ethics training and the Intranet provide quick access to relevant information, the United Nations Staff Regulations and Rules and other applicable standards are complex in nature and are often found in a range of different administrative issuances, which may have an impact upon efforts to achieve easy access and full understanding by staff of policies and standards. Effective internal communications are of equal importance. As ethics-related activities evolve, success increasingly depends on keeping staff informed and engaged, and it requires an understanding of how to reach out effectively. In this regard, it is necessary to develop an effective communication strategy and strengthen outreach activities of the Ethics Office, especially in respect of offices away from Headquarters and field duty stations.

81. In providing advice, the experience of the Ethics Office shows that staff regulations and rules regarding the receiving and reporting of gifts, benefits, honours and favours ("gifts" for short) to be particularly complex. They generally prohibit the receipt of gifts by staff in their official capacity, except in limited circumstances as prescribed in applicable regulations. The review and updating of standards regarding gifts, benefits, honours and favours are necessary to ensure that ethical values are upheld, that staff understand and adhere to such standards and that decisions made are not influenced by any consideration other than the best interests of the United Nations.

82. A challenge for the Ethics Office remains the need to increase staff members' awareness of and compliance with the financial disclosure programme and to ensure that conflicts of interest are prevented and managed at the outset, without any subsequent need for intervention. The financial disclosure programme represents a significant contribution to fostering the ethical mindset and enhancing accountability efforts of the Organization, and it helps to increase public trust in the Organization. Consequently, it is imperative to maintain and build upon the current momentum across the United Nations system with respect to the implementation of financial disclosure programmes and to ensure a coherent approach to this exercise.

83. The promulgation of Secretary-General's bulletin ST/SGB/2007/11 constitutes a step forward in clarifying the jurisdiction of the Ethics Office of the United Nations Secretariat and ensuring a coherent application of ethical standards in the United Nations, through policy harmonization and concerted action. While the United Nations Ethics Committee has been in full operation and able to share functional expertise in certain areas, such as ethics training, financial disclosure and protection against retaliation, and, most notably, has finalized its deliberation on the draft system-wide code of ethics, it is desirable to have broader participation from organs and programmes concerned in order to expand its reach and impact. Similarly, the assumption by the Director of the Ethics Office of the role of Chairperson of the United Nations Ethics Committee, the designation of the appeal function to the Committee Chairperson under section 4.3 of ST/SGB/2007/11 and the non-appointment or non-designation of an Ethics Officer in a separately administered organ or programme have a direct impact on the duties and responsibilities of the Ethics Office of the United Nations Secretariat. The increase in the work volume of the Ethics Office in relation to its responsibilities under the United Nations Ethics Committee has been notably significant.

VII. Conclusion and recommendations

84. Having completed its second full operation cycle since its establishment in January 2006, the Ethics Office has continued to assert its relevance and its role in fostering a culture of ethics, integrity and accountability within the United Nations. For this role to be effectively enhanced, the Ethics Office must continue to be a leading player in advocating adherence to shared organizational values and principles, as espoused in the Charter of the United Nations and applicable regulations and rules. Preserving the independence and impartiality of the Ethics Office remains a cornerstone for its effective functioning and credibility, and for meeting the expectations of the Organization and staff alike.

85. The establishment of the United Nations Ethics Committee has contributed to ensuring a coherent development and application of ethics standards and policies within the United Nations. Currently, membership of the Committee is open to the Ethics Offices of the United Nations Secretariat and the separately administered organs and programmes. **The General Assembly may wish to encourage United Nations specialized agencies and other entities to participate actively in the Ethics Committee on a broad basis and through an open mechanism, such as a memorandum of understanding or other appropriate arrangements.**